

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1170 of 2018

In

Criminal Writ Jurisdiction Case No.2220 of 2017

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Jokhan Singh, Son of Bhikhan Singh, Resident of Village- Karwandiya, P.S.-
Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas, Forest Division, Sasaram, District- Rohtas.
4. The Forest Range Officer, Darigaon, Forest Region, Sasaram, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Awanish Nandan Singh- GP-21

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 08-01-2019

The petitioner has prayed for issuance of an appropriate writ in the nature of Certiorari for quashing the order dated 21.10.2016 passed by Respondent no. 3/Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District – Rohtas in Confiscation Case No. 35/16(D) arising out of Forest Case No. 16/2016 as contained in Annexure-5 whereby and whereunder Respondent no. 3 has confiscated the Truck of the petitioner bearing registration no. UP-67A/9551 without jurisdiction and for passing order/direction, directing the release of aforesaid truck.



Counsel for the State is present. He has submitted that an appeal against the confiscation order is pending before the competent authority.

Counsel for the petitioner does not deny that appeal is pending before the competent authority vide Confiscation Appeal No. 69/2017. He has submitted that during pendency of this appeal before the appellate authority, the truck in question may be released because it is getting damaged. He has produced the order of coordinate bench of this court passed in C.W.J.C. No. 10467/2018 dated 26.10.2018 whereby during pendency of the appeal the order has been passed for release of the truck.

Counsel for the State has submitted that necessary direction be given to the appellate authority to dispose of the appeal within a fixed period.

Considering the fact that appeal is pending before the appellate authority since 2017 and no final order has been passed by the appellate authority, no interim order, as prayed by the petitioner, is being passed by this court for release of the truck because the same will prejudice the appellate authority. The appellate authority is directed to conclude the appeal and pass final order in accordance with law within a period of three months from the date of receipt of this order.



The petitioner will file the copy of this order before appellate authority who shall pass final order within a period of three months from date of receipt/production of this order.

(Sanjay Priya, J)

vinita/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	17.01.2019
Transmission Date	

