

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23134 of 2019

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1. Imamul Hoda Khan (Male-aged about 48 years) Son of Sibagtulah Khan, Resident of House No. 76 A, Buxidih Road, Near Petrol Pump, Police Station- Giridih, District- Giridih (Jharkhand).
 2. Kamran Ali Khan, (Male-aged about 22 years) Son of Imamul Hoda Khan, Resident of House No. 76 A, Buxidih Road, Near Petrol Pump, Police Station- Giridih, District- Giridih (Jharkhand).

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Authorized Officer-cum-Divisional Forest Officer, Jamui Forest Division, Jamui.
5. The Forest Range Officer, Chakai, Jamui.
6. The Forester, Chakai, Jamui.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Sanjay Kumar, AC to SC 15

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-11-2019

Heard learned counsel for the petitioners and learned
AC to SC 15 for the State.

2. The petitioners have moved the Court for the
following reliefs:

*“That instant application is being filed
for issuance of appropriate writ/writs, order/orders,
direction/directions to the respondent authorities for
the following relieves to the petitioner.*



(I) In the nature of “Certiorari” for setting aside the order dated 30/9/2019 passed in Forest Confiscation Case no. 02/2019 by respondent no. 4 as contained in Memo No. 1538 whereby and whereunder the vehicles (Trucks) of the petitioners bearing No (I) JH-11Q-5355 (II) JH-11Y-4985 and (III) JH-11P-4414 order to be confiscated.

(ii) In the nature of “Mandamus” directing and commanding the respondent authorities to release the vehicles (Trucks) of the petitioners in terms of order dated 14/8/2019 passed in CWJC NO.16521 of 2019.

(iii) For any other relief/ reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

3. After some arguments, learned counsel for the petitioners submitted that he may be permitted to file the statutory appeal before the Collector, Jamui.

4. Learned counsel for the State does not object.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. If the petitioners file the appeal within one month from today before the Collector, Jamui, the same shall be considered on merits without being prejudiced by the present order, in accordance with law. It shall be open to the petitioners to bring all issues of facts and law before the Collector, Jamui in their



appeal. The same shall also be disposed off by the Collector, Jamui within two months from the date of its filing.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

AFR/NAFR	
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