

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1340 of 2018

In

Civil Writ Jurisdiction Case No.8072 of 2017

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Lallan Singh S/o Late Ram Lakhan Singh, Resident of Village- Amara, P.S.-
Sasaram M, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest & Environment, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Tiwary

For the Respondent/s : Mr.Sarvesh Kumar Singh- Aag13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 24-01-2020 The impugned order dated 22.12.2017 passed by the

learned single Judge in CWJC No. 8072 of 2017, is reproduced

in toto as under:

“Heard learned counsel for the petitioners and
the State.

The grievance of the petitioners is that the
confiscation proceeding has been decided against the
petitioners and the appeals are pending before the



appellate authority, who in the present matters would be the District Magistrate, Rohtas at Sasaram under the Indian Forest Act, 1927. It is the grievance of the petitioners that while the disposal of the appeal is delayed, the vehicle stands confiscated and left to face vagaries of weather, would ultimately render it obsolete by a delayed disposal. It is in these circumstances that these petitioners have come before this Court praying for a direction to the appellate authority i.e. the District Magistrate, Rohtas at Sasaram to dispose of the respective appeal expeditiously and in case of unwanted delay consider their prayer for provisional release of their vehicles.

In my opinion, the prayer made by the petitioners in this batch of writ petitions is just and proper for in the statutory appeal of the present nature where the goods seized are liable to decay and would become obsolete by passage of time, the appeal requires a expeditious disposal and in the circumstances so discussed, I hereby direct the District Magistrate, Rohtas at Sasaram, the appellate authority under the Indian Forest Act, to consider and dispose of the appeal of the petitioners herein in accordance with law and after opportunity of hearing to the petitioners expeditiously and preferably within three months from the date of receipt/ production of a copy of this order and in case for any reason not attributable to these petitioners the appeal is not disposed of within the period stipulated above, the appellate authority shall consider the prayer of the petitioners for provisional release of their respective



vehicles which are subject matter of the proceeding and dispose of the same in accordance with law preferably within four weeks of expiry of the period stipulated above.

With the observations/ directions aforementioned, the writ petitions are disposed of.”

We do not find any illegality and perversity with the impugned order. For all that, the Court directed expeditious disposal of the appeal which the petitioner ought to have been preferred prior to filing of the writ petition.

At this stage, learned counsel for the appellant states that the appellant shall be content if a direction is issued for disposal of the said appeal within a period of one month, if the same is pending anymore.

Learned counsel for the State has no objection to the same.

As such, we direct the authority concerned to positively conclude the proceeding, in all respect, if not so already done, within a period of one month from today.

Appellant undertakes to appear before the appellate authority on 04.02.2020 and shall also apprise the authority of the passing of the order.

Parties undertake to fully co-operate in the matter



and shall not take any adjournment before the appellate court.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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