

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.804 of 2020

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Ritesh Kumar Patel, Son of Mithilesh Chaudhary, Resident of Village-Darekhap, P.S. Nasriganj, District-Rohtas.

... .. Petitioner

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 Forestor, Darigaon Forest Region, District-Rohtas.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv
For the Respondent/s : Mr.Sarvesh Kumar Singh (AAG13)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner as well as learned AC to Addl. Advocate General no.13.

Counter affidavit is yet to be filed.

Learned counsel for the petitioner has asked for issuance of writ of mandamus directing the authorities concerned to release the vehicle during intermediary period till conclusion of the Confiscation Case no.43(B) of 2019 to the satisfaction of the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Sasaram. The apprehension, which the petitioner has shown, is that there happens to be no time frame with regard to finalisation of confiscation proceeding launched under Section 52 of the Indian Forest Act (Bihar



Amendment) Act which may adversely affect over condition of the vehicle. The Hon'ble Apex Court, times without number, has observed that allowing the vehicle to be damaged is a national loss. Therefore, it is submitted that the confiscating authority be directed to release the vehicle of the petitioner on proper sureties. It is also submitted that the petitioner undertakes to abide by ultimate decision. It has also been submitted that the High Court has accepted such kind of prayer vide order dated 16.02.2015 passed in C.W.J.C.No. 377 of 2015 and others.

Learned AC to Addl. Advocate General no.13 has submitted that initiation of confiscation proceeding debars criminal court to pass any kind of order and so, the Authorised officer should be more sincere for early disposal of the confiscation proceeding so that, in case seized article is confiscated then, in that circumstances, the State should be in a position to procure proper valuation relating to corresponding article. On the contrary, the owner should get the vehicle in proper condition without being severely damaged.

Accordingly, the authorised officer is directed to expedite the trial and after hearing both the parties as well as after going through the relevant documents available on the record, should pass appropriate order in accordance with law



within three months from the date of receipt/production of a copy of this order and in terms thereof, the instant writ petition is disposed of.

(Aditya Kumar Trivedi, J.)

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