

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5260 of 2020

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Kishun Singh @ Shri Kisun Singh Son of Mewa Singh Resident of Village-
Todi, P.S.- Adhaura, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabua.
3. The Divisional Forest Office-cum-Authorized Officer, Kaimur Forest
Division, Bhabua, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the Respondent/s	:	Mr.Awanish Nandan Sinha,GP-21

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-02-2022

Petitioner has prayed for the following relief(s):-

1. That, the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of mandamus or any other writ /writs, order/orders, direction/directions, command/commands directing the Respondent no. 2 to dispose of the Forest Appeal No.29/2019 within a specific period which has been filed on behalf of the petitioner on 27.08.2019 before the Respondent no.2 for setting aside the order dated 19.08.2019 passed by Respondent no.3 in Forest Confiscation Case No.08/2018 arising out of Forest Case No.33F of 2018 for the offence under sections 33, 41 and 42 of Forest Act and u/s 27 and 29 of the Wild Life (Protection) Act, 1972 in which the Mahindra Tractor of the petitioner bearing Registration No.BR-



45G/8177 and its Tractor bearing Registration No.BR45G/8170 has been seized and be further pleased to pass an order directing the release of the aforesaid Tractor and its Tractor in favour of the petitioner.

After the matter was heard for some time, learned counsel for the petitioner states that petitioner's appeal being Forest Appeal No. 29 of 2019, titled as **Kishun Singh Vs. The State of Bihar** (Annexure-5, Page 39) is pending before the appellate authority and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that the appeal shall be considered and decided within a period of two months from the date of appearance of the petitioner before the Appellate Authority along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available before the Appellate Authority on 28th of February, 2022;

(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so



required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of two months from the date of appearance of the petitioner before the Appellate Authority;

(g) Copy of the order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise



subsequently.

The instant petition sands disposed of in the
aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	15.02.2022
Transmission Date	

