

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8654 of 2021

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Ramchandra Yadav Son of Ramdas Yadav Resident of Village- Nimhat,
Police Station- Nauhatta, District- Rohtas at Sasaram ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The District Magistrate, Appellate Authority, Rohtas, Sasaram.
3. The Authorised Officer-cum- Divisional Forest Officer, Rohtas, Sasaram.
4. The Forester, Sasaram Forest Circle at and Post Office- Sasaram, Police
Station- Sasaram, District- Rohtas ... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Tiwary, Adv.
For the Respondents	:	Mr. Sarvesh Kumar Singh, AAG XIII with Mr. Shakib Ayaz, AC to AAG XIII

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 The petitioner has prayed for the following relief(s) :

“That this is an application for issuance of Writ in the nature of Mandamus to commanding and directing the Respondent authority to release the Vehicle Tractor, bearing Registration no. BR-44G-9387, Engine and Chassis No. BR24G-9473 (Tractor) and Trailer Registration No. BR 24G-9474, Engine No and Chassis Number is RFNB03628 (Model No. B275-Di) which has illegally been seized alleged to be loaded with stone bolder in connection with Forest Case No. 15 of 2018 registered under Sections 33, 41, 42 of the Indian Forest Act (Confiscation Case No. 24 of 2018). Ana any other order or orders as your Lordships may deem fit and proper.”



It is brought to our notice that the appropriate authorities have already initiated proceedings, with regard to the confiscation of the property, i.e., the vehicle allegedly used in transporting forest produce within the forest area. We are also informed that the petitioner has already taken recourse to the remedies provided under the statute. Appeal against the order of confiscation is pending before the appropriate authority.

Learned counsel invites our attention to several orders passed by this Court whereby on certain terms and conditions the vehicle in question stands released (pages 31 to 40).

We are not persuaded to agree with the petitioner's contention and prayer for release of vehicle during the pendency of the appeal.

However, we direct the appellate authority to positively consider and decide the petitioner's appeal, on its own merit, within eight weeks from the date of production of a copy of this order. Should the officer find it appropriate he may direct release of the vehicle, in accordance with law, on such terms as may be found just and appropriate.

Needless to add, opportunity of hearing shall be afforded to all concerned and order assigning reasons shall be supplied to the petitioner.



Liberty reserved to the petitioner to take recourse on the same and subsequent cause of action should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Shamshad/KC
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