

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12185 of 2021

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Madan Sah @ Madan Shah, Son of Vipat Sah @ Bipat Sah, Resident of
Village-Dhanwatiya, Pipara Naurangiya, P.S.-Yogapatti, District-West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar.
2. The Principal Secretary, Department of Forest and Environment, Bihar.
3. The Divisional Forest Officer-cum-Authorized Officer, Forest Division-2, Bettiah, West Champaran.
4. The Forester, Kotraha Range, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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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 : 06-01-2022

Petitioner has prayed for the following relief(s):

That this is an application for issuance of an appropriate Writ in the nature of Mandamus, directing the respondents to release the vehicle of the petitioner in his favour which is one Tractor bearing Registration No. BR05GC1765, Model



No. MF 1035DI, Engine No. 83371B47549, Chassis No. MEA665A1KL2318543 along with Trolley which has been seized in connection with I.F.(Indian Forest) Case No.10 of 2021 on 15.01.2021 in the District of West Champaran for the offences punishable Under Sections 26,41 and 42 of Indian Forest Act, 1927 [Bihar Amendment Act 1981] and Sections 2,7,27,29 and 31 of Wild Life Protection Act, 1972 (as amended 2006) which is pending in the Court of A.C.J.M. Ist, Bagaha, West Champaran and for which neither the Confiscation Order has been passed even till date nor notice in this connection has been issued or served to the petitioner even till date by the Respondent No.3

and or for grant of any other appropriate relief or reliefs to the petitioner for which he may be found entitled to in the eye of law.”

Learned counsel for the petitioner states that petitioner's appeal is pending consideration before the appropriate authority and petitioner shall be content if a direction is issued to the said authority, to consider and decide the same expeditiously, preferably within a period of three months.

Without expressing any opinion on merits of the



claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

The petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the Appellate Authority on 28.01.2022 on which date a date of hearing shall be fixed;

(b) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(c) The officer shall pass an order assigning reasons within a period of three months thereafter;

(d) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

