

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21320 of 2021

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Ganesh Prasad Sah Son of Jamali Lal Sah Resident of Village- Hatgaon, P.S.-
Kishanganj, District- Kishanganj. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The Principal Secretary, Department Environment, Forest and Climate Cherge.
3. The Forest Officer, Araria Forest Division, Araria.
4. The Govt. Authorised cum-Forest Officer, Araria Division, District- Araria.
5. The Superintendent of Police, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate
For the Respondent/s : Mr.Sarvesh Kr. Singh (Aag13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- i. A writ in the nature of certiorari or any other appropriate writ/writs, order/orders, direction/directions quashing the order dated 26.12.2015 passed by Govt. Authorised Officer-Cum-Forest Officer, Araria Deivision, Araria in "Adhigrahan Vad No. 18/2014-15 refusing to release the petitioner's Tractor bearing Registration No. BR-37G-3174. Engine No. JFNB02893, Chassis No. JFNB02983.
- ii. A writ in the nature of Mandamus commanding the respondents to act in accordance with law and to release the petitioner's above said vehicle Tractor bearing

Registration No. BR-37G-3174. Engine No. JFNB02893,
Chassis No. JFNB02983.

- iii. Any other reliefs to which the petitioner is found entitled to.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

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

- (a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;
- (b) In the event of appeal being preferred within a

period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) 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 eight weeks from the date of filing of the appeal;

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

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

(i) 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;

(j) We have not expressed any opinion on merits and

all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2022
Transmission Date	NA