

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10939 of 2017

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Dhanjeet Choudhary Son of Chirkut Choudhary, Resident of Village- Dihara,
Post- Sakari, P.S.- Kudara, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Sasaram, Rohtas.
4. The Forest Officer, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Anant Pd. Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 12-10-2023 Heard the parties.

2. In compliance to the order of this Court dated 14.09.2023, a counter affidavit has been filed on behalf of the respondent no. 3 across the Board and the same is taken on record.

3. Learned counsel for the State, with reference to the statements made in the counter affidavit, apprise this Court that the petitioner being aggrieved by the order passed by the Divisional Forest Officer-cum-Authorized Officer, Rohtas has preferred appeal bearing no. 13 of 2016, before the prescribed Appellate Authority-cum-District Collector, Rohtas, Sasaram and the same has already been dismissed, vide order dated 17.03.2020, the copy of which has been brought on record by



way of Annexure – C, thus, in any view of the matter the present writ petition has become infructuous.

4. At this stage, learned counsel for the petitioner submits that as the copy of the order passed by the District Collector, Rohtas, Sasaram dated 17.03.2020 has never been served upon him, thus, he was not knowing this fact. However, taking note of the aforesaid fact, he seeks permission to withdraw the writ petition with liberty to assail the order of the District Collector, Rohtas by filing a proper revision application, before the Secretary, Forest and Environment Department, Government of Bihar, in view of Section 52 B of the Indian Forest Act, 1927.

5. Considering the prayer made on behalf of the petitioner, the present writ application stands disposed off with the aforesaid liberty.

6. It is needless to observe that if such an application is filed by the petitioner, the revisional authority shall consider the delay in filing the revision application sympathetically, as the matter was pending before this Court, since 2017.

(Harish Kumar, J)

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