

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17886 of 2022

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1. Sanjay Kumar Singh (proprietor of Aditya Timber) Son of Late Bikrama Singh Resident of Mohalla Shahpur, Adampur, P.S.-Raghunathpur, District Siwan
 2. Haroon Son of Ameer Ahmad, Village Mujhera Sadat, Mjhera, District Muzaffarnagar, Uttar Pradesh

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna. Bihar.
2. Divisional Forest Officer, Motihari
3. Forest Range Officer, Chakia, Forest Division, Motihari
4. The Conservator of Forest, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Yashraj Bardhan, Advocate
For the Respondent/s	:	Mr.Sarvesh Kumar Singh (Aag-13)
		Mrs. Sumita Kumari, A.C. to A.A.G.-13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-07-2023 Heard the parties.

The petitioners have prayed for the follows relief:

(i) issuance of appropriate writ or writs in the nature of certiorari for quashing the proceedings of Confiscation Case No. 14 of 2022 pending before the Authorized Officer-cum-Divisional Forest Officer, Motihari Forest Division initiated on the report of Range Officer, Chakia, Motihari dt. 8.9.2022 under section 52(c) of Indian Forest Act, 1972 (Bihar Amendment), 1989 for alleged



violation of Section 41 and 42 of the said Act and also for violating rule 3 of the Woods Transportation Regulations, 1973, whereby the Truck bearing Registration No. UP 15 ET 7645 as well as the woods of GAMHAR loaded thereon, have been seized in most illegal and arbitrary manner by misinterpreting the provisions of law and the said action is completely without jurisdiction;

(ii) for issuance of appropriate writ in the nature of mandamus commanding the respondents/particularly respondent no. 02 to release the Truck/vehicle bearing Registration No. UP 15 ET 7645 as well as the woods of GAMHAR so seized illegally;

(iii) any other relief or reliefs which the Hon'ble Court considers appropriate in the facts and circumstances of the case.

The question raised by petitioner in the writ petition is that the seized item is 'Gamhar' which is under exempted list pursuant to the letter no. 456 dated 27.2.2009 issued by the Principal Secretary, Environment and Forest Department, Bihar,



Patna and as such the vehicle as well as goods have wrongly been seized.

In the counter affidavit filed by the respondent no.3, the District Forest Officer, East Champaran, Motihari, disputes the said contention of the petitioner stating that the goods that has been seized is 'Paani Gamhar' which is different from 'Gamhar'.

By filing rejoinder petition, the petitioner has disputed the said differentiation.

The counter affidavit in para-24 states about filing an appeal before the District Magistrate which is the Appellate Authority in the said matters.

Learned counsel for the petitioner fairly submits that although seizure was made on 8.9.2022, for the reasons best known the respondent authorities have still not concluded the proceeding and its absence he cannot move before the Appellate Authority. He further submits that in the process, the vehicle which is under hypothecation is languishing in open and will be of no use if the same remains as such for long. It is unfortunate that once the seizure process is completed and a proceeding is initiated, the same is not taken to its logical conclusion.

It has been submitted by learned counsel for the State



that the respondent authorities will expedite the matter and get it concluded within a period of six weeks.

The writ petition is disposed of with the direction to respondent no. 2, the Divisional Forest Officer, East Champaran, Motihari to expedite the proceeding no. 14 of 2022 within a period of six weeks from today in view of the fact that seizure process was completed on 8.9.2022.

(Rajiv Roy, J)

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