

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5209 of 2024

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Jitendra Singh S/o Late Sitaram Singh, R/o Village-Bodibigha, P.O.-
Bodibigha, P.S. and Circle Office-Dumaria, Sub-Division-Sherghati, Distt.-
Gaya (Bihar), Pin Code-824206.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Environment, Forest and Climate Change
Department, Govt. of Bihar, Patna.
3. The Authorized Officer cum Forest Divisional Officer, Forest Division,
Gaya, Govt. of Bihar, Patna.
4. The District Magistrate cum Collector, Gaya.
5. The Forest Range Officer, Kachar, Gaya.
6. The Forest Field Officer, Forest Area Imamganj, Gaya.
7. The Forest Conservator, Gaya Anchal, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Anju Mishra, Advocate
		Mr. Dr. Chandra Shekhar Azad, Advocate
For the Respondent/s	:	Mr. Government Pleader 23

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2024 Heard Mrs. Anju Mishra, learned counsel for the
petitioner and learned AC to GP-23.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“i) For issuance of an appropriate
Writ/Writs, Order/Orders,
Direction/Directions to the respondents to
release of the seized Vehicle/Truck bearing
Registration No. BR02GB/6066, Chasis No.-
MAT506326KBF12407 and Engine No.-*



45PCR11FPY626040 in favour of the petitioner which has been seized by the respondents in connection with Forest Case No. 79/2023, dated 23.05.2023 and Confiscation Case No. 50/2023 has been initiated.

(ii) For direction/order to the respondents to protect the Vehicle/ Truck from being destroyed.

(iii) For direction/order to command the respondents for discharging their statutory duty conferred upon them by the constitution of India and other statutes.

(iv) For any other appropriate relief/reliefs to which the petitioner is found entitled too in the facts and circumstances of the present case.

(v) For any other relief/reliefs as your Lordships may deem fit & proper in the interest of justice.”

3. Though the counter affidavit has been filed on behalf of the respondent nos. 1 to 3 and 5 to 7, unfortunately, despite filing of the same in the month of July, 2024, the same has not been served upon learned counsel for the petitioner when the case is called.

4. This Court wanted to impose cost upon the learned State counsel but in view of the fact that he is well conversant of



the fact and has assisted the Court by informing that an appeal is lying against the order passed by the Divisional Forest Officer, Gaya (paragraph-21 of the petition), the office is only cautioned to be careful in the future.

5. From paragraph-21, it seems that a Forest Confiscation Appeal No. 01 of 2023 arising out of the order dated 12.08.2023 passed by the Authorized Officer-cum-Divisional Forest Officer, Gaya in Confiscation Case No. 50 of 2023 is still pending.

6. Learned counsel for the petitioner submits that the truck is lying under the sky, deteriorating with each passing day and in that background, the early disposal is warranted.

7. Learned counsel for the petitioner further submits that she may be allowed to raise all the points available to the petitioner before the Appellate Authority and the same be answered in the order.

8. Learned State counsel submits that if the points are raised by the petitioner, the same naturally has to be incorporated in the order.

9. In view of the fact that the appeal is pending since last one year and the matter relates to the seizure of the confiscation of the truck which is rotting under the sky, it would



be appropriate that the appellate authority takes a decision preferably within a period of eight weeks from the date, the copy of the order is produced before him/her.

10. The present writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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