

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8017 of 2019

1. Nira Devi @ Nira Ray Wife of Shri Vibhuti Narayan Rai @ Bibhuti Narayan Rai Resident of Village-Belhi Dih, P.O.-Belhi Khas, P.S. and Block-Kateya, District-Gopalganj.
2. Jainendra Kumar Ray, Son of Shri Vibhuti Narayan Rai @ Bibhuti Narayan Ray Resident of Village-Belhi Dih, P.O.-Belhi Khas, P.S. and Block-Kateya, District-Gopalganj.
3. Vibhuti Narayan Rai @ Bibhuti Narayan Ray, Son of Late Suresh Chandra Ray @ Suresh Narayan Rai Resident of Village-Belhi Dih, P.O.-Belhi Khas, P.S. and Block-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, department of Environment, Forest and Climate Charge, Government of Bihar, Patna
3. The Principal Chief Conservator of Forest, department of Environment and Forest, Government of Bihar, Patna
4. The Chief Forest Coinservator-Cum-Director, Hariali Mission, Department of Environment and Forest, Govt. of Bihar, Patna
5. The Regional Chief Conservator of Forest, Muzaffarpur.
6. The Forest Conservator, forest Circle, Siwan
7. The Divisional Forest Officer, Forest Division, Gopalganj, District-Gopalganj
8. The Forest Ranger, Range-Bhore, District- Gopalganj
9. The Forester, Bhore, District- Gopalganj
10. Shri Lal Babu Yadav Son of Kapil deo Yadav Resident of Village-Bhopatpur, P.S. Kateya, District Gopalganj, Presently Posted as Cattle Protector, Forest range, Bhore, P.S.-Bhore, District-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
	:	Mr. Alok Abhinav, Advocate
For the Respondent/s	:	Mr. Mithilesh Kr. Singh, AC to SC-15

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 26-02-2024 Heard Mr. Nityanand Mishra, along with Mr. Alok
Abhinav, learned counsels appearing on behalf of the petitioners

and Mr. Mithilesh Kr. Singh, learned AC to SC-15 appearing on behalf of the respondent/s.

2. Learned counsel appearing on behalf of the petitioners submitted that as per the prescribed procedure, the Divisional Forest Officer is required to obtain photograph of the field, where the petitioners have planted different variety of E.T.P. plants, in accordance with the scheme, for verifying the standing plant which was not done by the Divisional Forest Officer.

3. The counter affidavit filed on behalf of the Divisional Forest Officer. A letter no. 343, dated 30.03.2019, discussed the said fact, which shows that the required procedure was not followed by him or by the State Authorities.

4. In view of the aforesaid facts, the order contained in letter no.343 dated 30.03.2019, having passed without following the due requirement and consequential order contained in letter no.355 dated 30.04.2019, are hereby set-aside and quashed.

5. The Divisional Forest Officer must proceed to act in accordance with the Government scheme and in case, the petitioners are able to give the details of the land and the number of plants which were planted by them and the

photograph to that effect to be produced by any of the officer of the Divisional Forest Officer to whom DFO assigns duty, then after such verification and giving due opportunity of hearing, he may pass a fresh order.

6. The Divisional Forest Officer is directed to pass a fresh order in accordance with law within a period of two weeks from the date of communication of this order.

7. With the aforesaid direction, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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