

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3424 of 2018

In
Letters Patent Appeal No.375 of 2017

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Ramesh Kumar Singh S/o Brij Bilas Choudhary, R/o Village- Barahiyabag,
P.S. Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Sri Tripurari Sharma Secretary, Forest And Environment Bihar Govt. Patna
2. Sri Pankaj Dixit, The District Magistrate, Rohtas Sasaram.
3. Sri S. Kumarasami, The Divisional Forest Officer Cum Authorise Officer Rohtas Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate
For the Opposite Party/s : Mr.Sarvesh Kumar Singh - AAG 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-03-2024

The District Magistrate, Rohtas, Sasaram is present
through Video Conferencing.

2. Orders of this Court dated 02.03.2017 is required
to be extracted. Para 5 reads as under:-

5. In the meanwhile, we order that the vehicle in question (BR24G/8195) be released provisionally to the satisfaction of the Collector, Rohtas at Sasaram -cum- Appellate Authority, on fulfilment of the following conditions:-

(i) The appellants shall furnish all the necessary papers/documents of ownership and security bonds (which



will not include Bank Guarantee) as may be deemed fit and proper by the Collector, Rohtas at Sasaram -cum-Appellate Authority.

(ii) The appellants shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the confiscation proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.

3. Reading of sub-para (i) of Para 5 appellant was required to comply in furnishing necessary papers and documents of the ownership of the subject matter of the motor vehicle alongwith security bond. The petitioner is stated to have furnished certain land document as a security with reference to security bonds and it was not satisfied with reference to value of the subject land as it is worth about Rs. 2.5 lakhs as determined by the Circle Officer. On the other hand, petitioner is of the view that the subject land is worth about Rs. 10.5 lakhs. If there is a dispute, in that event, Circle Officer must have furnished registration value of land and the market value so as to compare with the value of the land. Value of the vehicle has not been determined in any of the document. For the first time, value of the vehicle has been apprised to this Court to the extent that subject matter of vehicle is purchased on 30.09.2013 (as on registration of the vehicle) and it is worth about Rs. 25,84,689/-



(invoice) read with seizure of the subject matter of vehicle on 09.08.2015. As on 09.08.2015, the insurance was not renewed by the petitioner. In such circumstance, it was bounden duty of the concerned officials to verify the identical vehicle which was insured in the year 2015 from the RTO or any of the insurance company and such exercise has not been undertaken.

4. Be that as it may, it is submitted that as on 09.08.2015, the subject matter of the vehicle is worth about Rs. 16,69,000/-. If the District Magistrate, Rohtas, Sasaram is not satisfied with the land documents which have been produced by the petitioner, in that event, in all fairness, he should have simply rejected and requesting the petitioner to furnish land value more than Rs. 16 lakhs so as to satisfy himself. To that effect, there is no communication to the petitioner even after lapse of about seven years. Therefore, the District Magistrate, Rohtas, Sasaram, is hereby directed to issue specific notice asking the petitioner to furnish land documents.

5. At this stage, learned State counsel for the respondent on instruction submitted that confiscation proceeding has attained finality. It is also submitted that confiscation proceedings have attained finality at the behest of the petitioner. If it is so, in all fairness, State respondents should



have approached this Court in filing Civil Review against the order dated 02.03.2017 passed in LPA No. 375 of 2017 in respect of certain administrative difficulties and impracticable to implement Orders of this Court dated 02.03.2017. There is no such application, on the other hand, they have slept over the matter and proceeded to conclude confiscation proceedings.

6. Taking note of these dates and events, for non compliance of order dated 02.03.2017 and due to new development relating to confiscation proceedings has attained finality. There are certain lapses on behalf of the District Magistrate in not demanding appropriate security bond read with value of the seized vehicle as on 09.08.2015. If he was not satisfied with whatever the documents furnished by the petitioner in the year 2017. Even before the final order passed in confiscation proceedings on 22.01.2019, the present contempt petition was already filed in the year 2018. In such circumstances, the District Magistrate, Rohtas, Sasaram should have approached this Court in seeking extension of time or seeking permission to pass final order in the confiscation proceedings in the light of the order dated 02.03.2017 passed in L.P.A. No. 375 of 2017, relevant extract cited (supra). There are lapses on the part of the office of the District Magistrate,



Rohtas, Sasaram in not implementing the Orders of the Court dated 02.03.2017 passed in L.P.A. No. 375 of 2017. Hence, they are liable to pay cost of Rs. 10,000/- to the petitioner within a period of eight weeks from the date of receipt of order of this Court, instead of initiating the Contempt of Court Proceedings.

7. The present MJC No. 3424 of 2018 stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
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