

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12462 of 2023

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Mithilesh Yadav Son of Vishwanath Yadav, Resident of Village- Jayantipur,
Anandi Chak, P.S.- Nauhatta, District- Rohtas at Sasaram. .. Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest
 Department, Government of Bihar, Patna.
 2. The Divisional Forest Officer-cum-District Forest Officer, Rohtas at
 Sasaram.
 3. The Forester, Tilauthu, District- Rohtas.
- ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.
For the Respondent/s : Mr. Raghwanand,GA-11
 Mr. Rajnish Shandilya, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-08-2024 Heard Mr. Babu Nandan Prasad, learned counsel for

the petitioner and Mr. Rajnish Shandilya, learned AC to GA-11.

2. The present writ petition has been preferred for the

following relief(s):-

*I. To issue writ/writs,
order/orders, direction/directions including
a writ in the nature of mandamus directing
the Respondent no. 2 (Divisional Forest
Officer, Sasaram) to release provisionally
the Vehicle Mahindra 275 DI bearing
Registration No. BR-24GB-8116 along with
50 cft. Stone Chips loaded thereon Trolly in
his favour forthwith which is pending before
the Respondent no. 2 (Divisional Forest
Officer, Sasaram).*

*II. For granting any other relief
or reliefs for which the petitioner may be
found entitled in the fact and circumstances
of the case.*

3. At the very outset, learned State counsel submits



that since the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram has passed a reasoned order dated 16.09.2023 by which seizure of the tractor in question has been justified and the case of the petitioner stands rejected. He also submits that the said order is appealable under Section 52A of the Indian Forest Act, 1927 (for short 'the Act').

4. Learned counsel for the petitioner submits that he will be preferring an appeal under the aforesaid Section but till now as he was pursuing the writ petition, the limitation under which it has to be followed has passed.

5. In that background and as the order has been passed by the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram on 16.09.2023, the petitioner, if prefers appeal within four weeks under Section 52A of 'the Act', the appellate authority while dealing with the limitation petition shall take into account the fact that the petitioner was pursuing the remedy before Patna High Court.

6. The writ petition stands disposed of with the aforesaid liberty to the petitioner.

(Rajiv Roy, J)

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