

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16739 of 2017

Shivaji Singh S/o Sri Ramdeo Singh, Resident of Village/Mohalla- Chandani Chowk, Ward No.11 Lakh, P.S.- Buxar, District- Buxar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
3. The Chief Forest Conservator of Forest Bihar, Patna.
4. The District Magistrate, Rohtas, Sasaram.
5. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
6. The District Forest Officer, Rohtas, Sasaram.
7. The Range Officer, Sasaram, Forest Ara at Sasaram.
8. The Forester Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan. Advocate
For the Respondent/s	:	Mr. Gajendra Prasad Yadav, Sc- 17
For the State	:	Mr. Raghwanand, GA-11

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner in the present writ application has
prayed for the following reliefs:-

(i) For a writ particularly in the nature of Certiorari for Quashing and setting aside the order dated 16.12.2014 Confiscation Case No. 93/2014(E) passed by the Divisional Forest officer cum Authorized Officer Rohtas, Sasaram holding that the vehicle of the petitioner was engaged in illegal mining work and for further



quashing of the order dated 17.06.2015 passed in Forest Confiscation Appeal no. 7/2015 passed by the District Magistrate Rohtas, Sasaram affirming the order passed by the Divisional Forest officer cum Authorized Officer Rohtas, Sasaram and for further quashing and setting aside the revisional order dated 03.10.2017 passed in Forest Revision Case in 23 of 2015 passed by Principal Secretary, Environment and Forest Department, Bihar, Patna affirming the order passed by the Divisional Forest Officer and District Magistrate Rohtas, in a very mechanical and illegal manner, without considering the material available on the record and without considering the evidences relied on by the petitioner.

(ii) For a writ particularly in nature of Mandamus commanding and directing the respondents to release the vehicle bearing registration No. BR-44-G/3485 of the petitioner after taking appropriate securities or conditions as laid down by the order passed by the Hon'ble Court, passed in LPA No. 306 /2017 and LPA No. 624 of 2017 and LPA No. 1647/2015

(iii) For writ in nature of Mandamus commanding and directing the respondents to release the vehicle in question of the petitioner after taking appropriate securities.

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

3. Learned counsel for the petitioner submits that



relating to the same transaction another vehicle belonging to the petitioner bearing Registration No. BR-44-G/2235 (truck) had also been seized. As against seizure of the said vehicle, the petitioner had filed CWJC No. 16213 of 2017 in which final order/judgment has been passed on 16.08.2023 by which the order of confiscation, the order in Forest Appeal and the order in Forest Revision Case were set aside on the grounds stated in the said order/judgment and the Divisional Forest Officer, Sasaram at Rohtas was directed to release the vehicle of the petitioner after verification of all the papers within a period of eight weeks from the receipt of the copy of the order. The learned counsel for the petitioner further submits that the vehicle involved in the present case bearing Registration No. BR-44-G/3485 relates to the same transaction for which the present writ application has been filed, therefore, the present writ application may be disposed of in terms of the order/judgment dated 16.08.2023 passed in CWJC No. 16213 of 2017.

4. The order/judgment dated 16.08.2023 passed in CWJC No. 16213 of 2017 has been placed on record and from the careful perusal of the same it has manifest that the vehicle in question involved in the present case has been seized in connection with the same transaction as the vehicle in the said



case was seized. In such view of the matter, the present writ application is disposed of in terms of the order/judgment dated 16.08.2023 passed in CWJC No. 16213 of 2017 and consequently the order dated 16.12.2014 passed in Confiscation Case No. 93 of 2014 (E) passed by the Divisional Forest Officer, Rohtas at Sasaram is set aside and also the order dated 17.06.2015 passed in Forest Confiscation Appeal No. 07 of 2015 passed by the District Magistrate, Rohtas at Sasaram is also set aside and further the Revisional order dated 03.10.2017 passed in Forest Revision Case No. 23 of 2015 by the Principal Secretary Environment and Forest Department, Bihar, Patna is also set aside. The Divisional Forest Officer, Rohtas at Sasaram is hereby directed to release the vehicle of the petitioner bearing Registration No. BR-44-G/3485 after verification of all the papers within a period of six weeks from the receipt of the copy of this order.

5. The writ application stands disposed of with the aforesaid observations.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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