

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1649 of 2025

Sarvar Ansari Zabbar Ansari @ Abdul Zabbar Ansari, Resident Of Village-Salaiya, P.O.- Salaiya, P.S.- Kothi, District - Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest (the Appellate Authority), Gaya Circle, Gaya.
3. The District Magistrate, Gaya.
4. The Divisional Forest Officer, Gaya.
5. The Forest Range Officer, Imamganj Range, Imamganj, Gaya.
6. The Forest Officer, Imamganj Forest Range, Imamganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr.Government Pleader (05)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has moved the Court for the
following reliefs:

“ (i) For issuance of writ in the nature of writ of Certiorari or any other appropriate writ(s), order(s), directions, quashing the order dated 30.03.2024 passed by District Magistrate-cum-Collector Gaya in Forest Confiscation Case No. 04/2021, arising out of final order of confiscation dated 17.07.2021 communicated to the petitioner on 20.07.2021 passed by the learned Authorized Officer-cum-Divisional Forest Officer, Gaya in Confiscation Case No. 20/2021 in connection with Forest Case No. 20/21 instituted u/s 33(1) (b) and 41 of Indian Forest Act, 1927 (Bihar Amendment) Act, 1989, by which the



Confiscating Officer-cum- District Magistrate, Gaya has confiscated the seized Tractor bearing registration no. BR-02GC-0109 and Trailor and affirmed the order dated 17.07.2021 passed by the Divisional Forest Officer, Forest Division, Gaya and further directed to get proper value of the confiscated vehicle by the M.V. I. and held the open auction and auctioned amount will be deposited in government exchequer without framing the issue and given opportunity of hearing to the petitioner (owner of the tractor in question).

(ii) Further issuance of writ of Mandamus, directing and commanding the respondent authorities to release the Tractor alongwith Trailor bearing no. BR-02GC-0109, Chassis No. registration MEA11FA1KL 2322249, Engine No. 533414209 in favour of the petitioner, which has been seized in the aforesaid case under section 52 of Indian Forest Act, 1927 (Bihar Amendment) Act, 1989 by the Forest Officer, Imamganj, and the same has been kept in custody within premises of Salaiya Police Station.

(iii) For issuance of an appropriate writ, order or direction, directing the respondent no. 2 the Appellate Authority-cum-the Conservator of Forest, Gaya Circle, Gaya to dispose of the appeal as much early as possible, which has been filed u/s 59 of Indian Forest Act, against the order 30.03.2024 passed by the District Magistrate-cum-Collector, Gaya in Forest Confiscation Case No. 04/2021 arising out of final order of confiscation dated 17.07.2021 passed by Divisional Forest Officer, Gaya with prayer for release of vehicle of the petitioner, but since then, the same is still pending.”

3. Learned counsel for the State submits that the writ petition has been filed against the appellate order though the petitioner has efficacious remedy by filing a revision before the Principal Secretary, Forest.



4. In these circumstances, this writ application is disposed of with liberty to the petitioner to prefer a revision before the appropriate authority within 30 days from today.

5. Since no fruitful purpose will be served in keeping the vehicle seized, therefore, considering the law laid down by the Hon’ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujrat** reported as **2002 (10) SCC 283**, during pendency of the matter before the revisional authority , the vehicle in question bearing registration number BR-02GC-0109 shall be released in favour of the petitioner upon him furnishing a security of Rs. 5 lakhs before the authority concerned. The petitioner shall not dispose of the title of the vehicle during the pendency of the revision application.

(Sandeep Kumar, J)

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