

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7662 of 2025

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1. Dinesh Sah Son of Jadolal Sah, Resident of Village- Ward No. 10, Pachrukha Sirisiya, Belahwa, Police Station- navrangiya, District- West Champaran (Bettiah).
 2. Khajanti Yadav, Son of Subhag Yadav, Resident of Village- Ward No. 10, Pachrukha Sirisiya, Belahwa, Police Station- navrangiya, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment, Forest and Climate Change Department, Government of Bihar, Patna.
2. The Secretary-cum-Revisional Authority, Environment, Forest and Climate Change Department, Government of Bihar, Patna.
3. The Divisional Forest Officer-cum-Deputy Director, Valmiki Tigre Reserve, Division- 2, West Champaran (Bettiah).
4. The District Magistrate-cum-Appellate Authority, District- West Champaran at (Bettiah).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (08)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 08-01-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners have moved the Court for the
following reliefs:

*“(i) for issuance of a writ in the
nature of certiorari or any other appropriate
writ, order or direction, setting aside the order
dated 18.12.2024 passed by the Secretary-cum-
Revisional Authority, Environment, Forest and
Climate Change Department, Government of
Bihar in Forest Revision Case No. 7/2024
whereby and where under she has been pleased
to set aside the interim order dated 02.07.2024*



passed by the Ld. District Magistrate -cum- Appellate Authority by which he has been pleased to provisionally release both Tractors along with its Cultivator and Rotavator, considering the fact that the Vehicles in question are lying under open Sky without any care and caution within premises of Madanpur Forest Range, during pendency of Case No. CRM No. 1601/2023-24.

ii. for issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction, setting aside the order dated 23.01.2024 passed by the Divisional Forest Officer-cum-Deputy Director, Valmiki Tigre Reserve, Division -2, West Champaran in confiscation case No. 12/2022.

iii. for issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondents to release the Mahindra Tractor bearing Registration No. BR22 GA 4316 DI red colour; Engine No. RGH2MBA0747, Chassis No. MBNABALGKGRH00075 along with Rotavator in favour of Petitioner No. 1 & Escort Power Track bearing Registration 4645 No. BR-22-Q-4645 Engine No. E3204510, Chassis No. B3184418 along with Cultivator in favour of Petitioner No. 2, which have been Seized under section 52(1) of Indian Forest (Bihar Amendment) Act, 1989 and section 50 (1) (C) of Wildlife Protection (Amendment 2006) Act, 1972 and the same are lying in Madanpur Forest Range under Open Sky without any care and caution as such its parts, body, Battery and engine are deteriorating day-by-day.”

3. The DFO and the Revisional Authority have passed confiscation order of the tractors belonging to the petitioners.

4. From the facts of the case, it appears that the tractors were involved in illegal activity within forest area and



therefore, in my opinion, the confiscation order cannot be interfered with.

5. This Court had specifically queried, as to within what time the State will be able to auction the tractors in question to which the learned counsel for the State has submitted that the auction can be done within six months.

6. In these circumstances, the State is directed to expedite the auction proceeding after proper valuation by MVI and the petitioners are also permitted to participate in the auction and if the petitioners emerges as the highest bidders then the tractors shall be released in their favour or in favour of the highest bidder.

7. With the observation and direction, this application is dismissed.

(Sandeep Kumar, J)

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