

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19615 of 2025

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1. Md. Afzal Son of Nenul Haq, Resident of Village- Nimang, Post and Police Station- Jamui, District- Jamui.
 2. Shekh Mohammad Sikander, Son of Jahir Shekh, Resident of NST Colony, Kohima Nagaland.

... .. Petitioner/s

Versus

1. The State of Bihar through Divisional Forest Officer, Jamui Forest Division, District- Jamui, Bihar.
2. The Secretary-cum-Revisional Authority, Environment, Forest and Climate Change, Government of Bihar, Patna.
3. The Divisional Forest Officer, Jamui Forest Division District- Jamui.
4. The District Forest Officer, Jamui.
5. The District Magistrate-cum-Collector Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Anil Kumar Singh, Advocate Mr. Samir Kumar Bharti, Advocate
For the State	:	Mr. Dayanand Singh, GP-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-02-2026 Heard learned counsel for the petitioners and learned counsel for the State.

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

“a) That the present writ petition is being filed on behalf of abovenamed petitioners before this Hon'ble Court for issuance of writ of certiorari for quashing/setting aside the order 09.04.2025 passed in Forest Revision Case No.09 of 2024 by Learned Secretary-Cum-



Revisional Authority, Environment, Forest and Climate Change, Government of Bihar, Patna by which revision application filed by the respondent State against an order dated 20.08.2024 passed in Forest Appeal Case No.01 of 2004 by the District Magistrate, Jamui, has been allowed.

1(b). That the petitioners are also praying before this Hon'ble Court for issuance of further writ of certiorari for quashing/ setting aside the order dated 30.12.2023 passed in Forest Confiscation Case No.12 of 2023 by which two trucks bearing No.NL01AB-1176 & JH09U-9237 loaded with stone boulders have been confiscated.

1(c) That the petitioners are further praying before this Hon'ble Court for issuance of writ of mandamus for directing/ commanding the respondent authorities to release the two trucks bearing No.NL01AB-1176 & JH09U-9237 which has illegally and wrongly been confiscated in Confiscation Case No. 12 of 2023.”

3. The petitioners have challenged the order dated 09.04.2025 by which the Secretary-cum-Divisional Authority has set aside the order of the District Magistrate, Jamui dated 20.08.2024 passed in Forest Appeal Case No. 01 of 2004 which was in favour of the petitioners.

4. It has been submitted by learned counsel for the petitioners that the impugned order dated 09.04.2025 is cryptic and non speaking and has been passed without assigning any reasons.

5. Learned counsel for the State has supported the impugned revisional order and has submitted that the reasons



have been supplied in the impugned order.

6. I have gone through the impugned revisional order as well as the order of the District Magistrate, Jamui. It appears that the order of the revisional authority is a cryptic and non speaking order by which the order of the District Magistrate, Jamui dated 20.08.2024 has been set aside.

7. I am of the opinion that this kind of cryptic and non speaking order cannot be sustained. Accordingly, the same is set aside.

8. The matter is remitted back to the Secretary-cum-revisional authority for fresh consideration in accordance with law. The revisional authority shall pass a fresh and reasoned order after hearing the petitioners in accordance with law.

9. Since no fruitful purpose will be served in keeping the vehicles seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat** reported as **2002 (10) SCC 283**, during pendency of the matter before the concerned authority, the vehicles in question bearing registration number NL01AB-1176 and JH 09U-9237 shall be released in favour of the respective owners-petitioners by way of interim relief with the following conditions:



- i. The respective owner-petitioners shall furnish a security of rupees Twenty two lakhs each (not in the form of bank guarantee or fixed deposit) before the concerned/competent authority at the time of release of their respective vehicles in question.*
- ii. The petitioners shall furnish all the necessary papers/documents of ownership before the concerned/competent authority.*
- iii. The petitioners shall undertake, in writing, that the respective vehicles in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the proceeding and that the trucks in question shall be produced as and when called upon or required in the proceeding or otherwise.*
- iv. If any jurisdictional objection is taken by the petitioners, that shall also be considered by the authority concerned. The petitioners will also cooperate with the authorities till the final disposal of the proceeding.*



10. With the aforesaid directions and observations,
this writ petition stands allowed to the above extent.

(Sandeep Kumar, J)

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