

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17540 of 2018

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Vimal Kumar Rai Son of Late Harihar Rai, Resident of Village- Harpur-
Bhakhari, P.O.- Mirzapur, Police Station- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Animal and Fishery Resources Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Additional Collector, Muzaffarpur.
6. The Sub-Divisional Officer, Muzafarpur Sadar, Muzaffarpur.
7. The Circle Officer, Mushahari, Muzaffarpur.
8. The Officer-in-Charge, Ahiyapur Police Station, District- Muzaffarpur.
9. Md. Shahabuddin, Son of not known, the present Mukhiya of Abdul Nagar @ Madhopur, Anchal Mushahari, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Jha, Adv. Mr. Keshav Kumar Jha, Adv. Mr. Rahul Kumar, Adv.
For the Respondent/s	:	Mr. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 06-01-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

(i) For directing the respondent authorities specially the Respondent no. 3, 6 and 7 not to issue any purcha to any one in connivance with respondent no.9 regarding government land related to Khata No. 127, Khesra No.123 which was/is Bhinda of



Pokhar and in the year 1991 by License No. 58/91 dated 14.08.1991 under trees settlement scheme (Vriksha Patta Yojna) sanction for tree plantation was given to the petitioner and one Laxman Sahani under the signature of the respondent no.7 the Circle Officer, Mushahari, Muzaffarpur but now the petitioner came to know that by the Circle Officer Mushahari, Purcha is being issued to some person which is illegal action on the part of the Circle Officer, Mushahari.

(ii) For directing the respondent authorities not to cut/ damage any tree which is planted on said Bhinda of Pokhar, Khata no. 127, Khesra No. 123 because there are more than thousand of trees planted on the said plot (Bhinda of Pokhar) and with the connivance of the respondent no.9 the same is being damage/ cut by the respondent no.9.

(iii) For directing the resp. authorities to make payment of total amount of Rs. 103375.70 (one lakh three thousand three hundred seventy five and seventy paisa), the amount is due under tree plantation scheme which were planted by the petitioner after getting license of tree plantation but instead of making total payment of Rs. 108375/- only Rs. 5000/- was paid to the petitioner.

(iv) For all consequential



relief/reliefs for which the petitioner is found entitled in course of hearing of this writ application.

3. At the outset, learned State Counsel submits that only on the basis of apprehension, the petitioner has moved before this Court and if he has any grievance, could have approached the Collector, Muzaffarpur.

4. Learned counsel for the petitioner submits that not only he has grievance regarding the non-payment, the apprehension is that the trees which are necessary for the mankind, the respondent may resort to its cutting.

5. This Court has taken note of the submissions put forward by the parties and the submission of the learned State Counsel seems to be justified.

6. The petitioner can put forward his proper petition/representation before the Collector, Muzaffarpur incorporating all the facts so that he/she can take a decision in the matter after hearing all the necessary parties.

7. Needless to add, so far as falling of the trees is/are concerned, the same cannot be done, save and accept, with the permission of the forest officials which the Collector, Muzaffarpur must take note of while passing the order in any representation/petition filed by the petitioner.



8. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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