IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3129 of 2021

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1. Sanjay Kumar Jain aged about 51 years, son of Sri Mahabir Prasad Jain.
2 (i) Sanjay Kumar Jain
2 (ii) Binod Kumar Jain
2 (iii)Kumud Jain
2 (iv) Nita Jain
2(v) Sapna Jain
All residents of village Saram, P.O. & P.S. Gomia, District Bokaro

……Petitioner(s)

Versus

1. The State of Jharkhand, through its Chief Secretary, Government of Jharkhand, Project Building, P.O. & P.S. Jagannathpur, Dhurwa, Ranchi.
2. Revisional Authority-cum-Secretary, Forest Environment and Climate Change, Government of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi.
3. The Deputy Secretary, Department of Forest & Environment, Govt. of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi.
4. Divisional Forest Officer, Bokaro, P.O., P.S. & District Bokaro.
5. Range Officer of Forest, Tenughat, P.O. & P.S. Tenughat, District Bokaro.
6. Forester, Pachamo, Tenughat Range, P.O. & P.S. Tenughat, District Bokaro.
7. Forester, Tenughat Range, P.O. & P.S. Tenughat, District Bokaro.
8. Forest Guard, Banchatra, Tenughat Range, P.O. & P.S. Tenughat, Dist. Bokaro

…….....Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Arjun N. Deo, Advocate
Ms. Karishma Kumari, Advocate
For the State : Mr. Tarun Kr. Mahto, A.C. to A.G.

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14/15.09.2026: By way of filing this writ petition, the petitioners have sought for following reliefs :-

> *"For issuance of a writ in the nature of mandamus or any other appropriate writ/writs, order/orders or direction/directions commanding upon the respondents to show cause as to why the impugned order dated 06.04.2021 (Annexure-16) passed by the Revisional Authority- cum-Secretary, Forest Environment and Climate Change, Government of Jharkhand in Revision Case No. 15 of 2019 be not quashed/ cancelled and Your Lordships may further be pleased to direct the respondents to release the tractor bearing No. JH- 09J-5171 and trolley bearing registration no. JH- 09J-5172 belonging to the petitioners, which is lying under seizure within the premises of the forest department, Tenughat, since 04.11.2009 along with 100 CFT Stone boulder.*
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> *The respondents in a most arbitrary way had seized the tractor, trolley and stone boulder belonging to the petitioners inspite of all the valid papers produced before them and the respondents have always tried to interfere with the execution of the road construction work allotted to the petitioners under "Pradhan Mantri Gram Sadak Yojna" and they all of them are liable for contravening the petitioners' fundamental right guaranteed under Constitution of India. Article-19(1)(g) of the Constitution of India."*

2. As per the case of the petitioner, petitioner No.1, a registered Government contractor, was awarded road construction works under the Pradhan Mantri Gram Sadak Yojna (PMGSY) pursuant to agreement/work order dated 28.05.2009. While executing the works as per him, he procured stones from stone quarries against transport challans, which were subsequently certified by the District Mining Officer, Bokaro. The petitioners allege that the forest officials obstructed the construction work and lodged reports alleging removal and transportation of stone which is forest produce. The petitioner's tractor bearing No. JH-09J-5171 and trolley bearing No. JH-09J-5172 were seized, and the confiscation order dated 29.01.2010 was challenged before the Deputy Commissioner who vide an interim order dated 01.06.2010, directed their release upon furnishing security; despite compliance, the articles were not released. The petitioners were subsequently acquitted in the forest case by judgment dated 30.01.2014. As the revision remained pending, this Court, by order dated 22.02.2021 in W.P.(C) No.4435 of 2010, directed its disposal. Thereafter, the

Revisional Authority, by order dated 06.04.2021 in Revision Case No.15 of 2019, dismissed the revision and confirmed the confiscation, giving rise to the present writ petition.

3. Learned counsel for the petitioners submits that petitioner No.1, a registered Government contractor, was executing PMGSY road works and had procured stones through valid transport challans. The forest officials allegedly obstructed the work and seized the petitioner's tractor, trolley and stone boulders despite production of valid documents. Though the Deputy Commissioner directed release of the vehicle on furnishing security and the petitioners were subsequently acquitted in the forest case, the vehicle was not released. The Revisional Authority, pursuant to this Court's order dated 22.02.2021, dismissed Revision Case No.15 of 2019 by order dated 06.04.2021, confirming the confiscation. The petitioners therefore challenge the said order and seeks release of the seized articles along with compensation for the alleged financial loss and mental agony.

4. Learned counsel for the State submits that the forest officials, on receiving information regarding illegal quarrying of stones from Kurknalo forest, conducted a raid and found the petitioner's tractor-trolley loaded with hand-broken stones allegedly excavated from the forest area. The vehicle and forest produce were accordingly seized under Section 52 of the Indian Forest Act and confiscation proceedings were initiated after due notice and hearing. Pursuant to an inquiry conducted by the A.C.F., it was found that the seized stones had been extracted from Kurknalo forest, whereafter the competent authority confiscated the tractor-trolley and stones by order dated 29.01.2010. The statutory appeal was dismissed by the Deputy Commissioner, Bokaro, and the subsequent revision was also

dismissed by order dated 06.04.2021. It is contended that the petitioner was authorised only to execute PMGSY road work and had no authority to quarry stones from forest land. The allegations of illegal gratification and obstruction are denied as baseless and unsupported by evidence, and the impugned action is stated to be lawful and in discharge of the statutory duty to protect forest land.

5. Heard, learned counsel for the parties and perused the materials on record. The tractor-trolley was seized on the allegation of illegal quarrying and transportation of stones from Kurknalo forest. Confiscation proceedings under Section 52 of the Indian Forest (Bihar Amendment) Act were duly initiated, and the petitioners were afforded opportunity of hearing. Upon consideration of the inquiry report and other materials, confiscation was ordered on 29.01.2010, which was affirmed in appeal and thereafter in revision by the impugned order dated 06.04.2021.

6. The petitioners' authority to execute PMGSY road work did not extend to quarrying forest produce. The allegations of mala fide and illegal gratification are unsupported by material warranting interference under Article 226. Further, the acquittal in the criminal case, by itself, does not nullify the independent confiscation proceedings. The subsequent acquittal of the petitioners in the criminal forest case does not, by itself, invalidate the confiscation proceedings, since confiscation proceedings under the statutory scheme operate independently of criminal prosecution. The hon'ble Supreme Court in **The State of Madhya Pradesh & Ors. v. Smt. Kallo Bai,** reported in **(2017) 14 SCC 502** has held that-

> **"26.** *Criminal prosecution is distinct from confiscation proceedings. The two proceedings are different and parallel, each having a distinct purpose. The object of confiscation proceeding is to enable speedy and*

effective adjudication with regard to confiscation of the produce and the means used for committing the offence while the object of the prosecution is to punish the offender. The scheme Adhiniyam prescribes an independent procedure for confiscation. The intention of prescribing separate proceedings is to provide a deterrent mechanism and to stop further misuse of the vehicle."

7. In the present case, the confiscation order was passed after notice, hearing and inquiry, and the same has been affirmed in statutory appeal and revision. No jurisdictional error, violation of principles of natural justice or perversity in the findings has been demonstrated so as to warrant exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution. Further this Court cannot sit in appeal over the authorities which ordered confiscation. Nor can sit in appeal over the appellate or revisional order. This Court also cannot reappreciate the fact.

8. The writ petition is, accordingly**, dismissed.**

(ANANDA SEN, J.)

15th September, 2026
R.S./
Uploaded on 24/09/2026.