

(2019) 05 PAT CK 0058

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 30 Of 2017

Ravi Kumar Patel

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 16-05-2019

Acts Referred:

Indian Forest Act, 1927 — Section 52(3)

Citation : (2019) 05 PAT CK 0058

Hon'ble Judges : Sanjay Priya, J

Bench : Single Bench

Advocate : Rajani Kant Singh, Sanjay Kumar

Final Decision : Allowed

Judgement

The petitioner is aggrieved by the order dated 11.04.2014 (Annexure- 3) passed by the Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram, in Confiscation Case No.98 of 2013, as well as order dated 31.07.2015 (Annexure-4) passed by the appellate authority i.e. District Magistrate, Rohtas at Sasaram, in Forest Confiscation Appeal No.33 of 2014 and order dated 21.09.2016 (Annexure-5) passed by the revisional authority Principal Secretary, Department of Environment and Forest, Govt. of Bihar, Patna, in Forest Revision Case No.39 of 2015.

The confiscation authority has directed to confiscate the vehicle of the petitioner bearing registration No. UP 65 F 1655 under Section 52(3) of the Forest Act.

Counsel for the petitioner submits that vehicle was not intercepted in protected forest area, rather, it was seized on Ara- Sasaram Road near Manik Petrol Pump. He further submits that as per seizure list truck was found loaded with stone metals (Patiya), which is not the forest produce. It has further been submitted that valid Challan was produced but the same was not accepted by the Forest Officer without making any verification of the Challan.

In the circumstances, this Court finds that the orders as contained in

Annexure-3, 4 and 5 was passed without proper verification of the Challan and also without considering the fact that stone metals found on the truck was not forest produce. The appellate authority and the revisional authority has affirmed the order of confiscating authority in mechanical manner.

In view of such, orders as contained in Annexure-3, 4 and 5 suffers from illegality and are hereby set aside.

Respondent No.4 is directed to release the vehicle of the petitioner bearing registration No. UP 65 F 1655 seized in connection with Confiscation Case No.98 of 2013 within fifteen days from the date of receipt/production of a copy of this order after proper verification of the documents of the vehicle as well as ownership of the vehicle.

This writ application is, accordingly, allowed.