

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.W.J.C. No. 2837 of 1998(R)

M/s Central Coalfields Ltd. A Government Company having its registered
office at Darbhanga House, Ranchi, Dist.-Ranchi

Petitioner

Versus

1. The State of Bihar
2. Secretary, Forest and Environment, Government of Bihar, Patna
3. Divisional Forest Officer, Giridih
4. Deputy Commissioner, Bokaro
5. Range Officer of Forests, Dumri, Dist.-Giridih Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Anoop Kr. Mehta, Advocate
Mr. Dilip Kr. Chakraverty, Advocate
Ms. Astha, Advocate

For the State : Mr. Vineet Prakash, AC to SC-IV

Oral Order

14 / Dated : 10.07.2025

1. Petitioner is a public sector company and four heavy earth moving machines being Haulpaks bearing Nos. D3287, D4391, D3976 and D4209 which were seized by the Forest Department for being involved in illegal mining in forest area and consequently, Forest Case No. 24 of 1996 was registered.
2. A confiscation proceeding was initiated by the Forest Department in Confiscation Case No. 59-62/1996, in which the Divisional Forest Officer confiscated these vehicles. Petitioner moved in appeal against the order of confiscation before the Deputy Commissioner, Bokaro which was allowed in Confiscation Appeal Nos. 08 of 1996, 09 of 1996, 10 of 1996 and 11 of 1996.
3. The Divisional Forest Officer preferred revision before the Secretary, Forest Department in which the order passed in appeal was set aside, and the matter was remanded back to the Deputy Commissioner, Bokaro. Consequent upon the remand, the order of confiscation was upheld against which the instant writ petition has been preferred.
4. It is submitted by learned counsel appearing on behalf of the petitioner that no forest offence will be made out, as there was no intention on the part of the petitioner company to enter into illegal mining activity. It is

further submitted that the land in question, where the vehicles were being allegedly employed for mining purposes, is in village Govindpur and Armo which have been acquired under the Coal Bearing Areas Act, 1957 vide S.O. No. 3295 dated 10.11.1980. After the said acquisition, vesting order was passed on 29.12.1981 and vide order dated 08.12.2003 the Central Government agreed in principle for diversion of 148.167 hectare of forest land in favour of C.C.L. The State Government has also granted Stage-1 and Stage-II clearance for mining in the said area.

5. By referring to these foundational facts, it is argued that very high value mining machineries owned by the public sector have been confiscated for being used in mining operation.
6. A counter affidavit has been filed on behalf of the State in this case.
7. It is contented that since the mining operation was being done in a protected forest area, therefore, the criminal case was lodged and confiscation proceeding was initiated.
8. No reply to the supplementary affidavit has been filed disputing the claim that the said land was acquired way back in 1980 by the Central Government and diversion for mining has been permitted with Stage-I and II clearance granted by the State Government. These vehicles are high valued and confiscation without any rational basis leads to waste of public property. There is no reference to the final outcome of the criminal case which was lodged and any details thereof is furnished in the counter-affidavit.
9. In this view of the matter, the impugned order is not sustainable and is, accordingly, set aside.

Let all these mining vehicles bearing Nos. D3287, D4391, D3976 and D4209 be released forthwith in favour of the petitioner.

This writ petition is allowed. Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

AKT/Satendra