

Court No. - 40

Case :- WRIT - C No. - 32644 of 2023

Petitioner :- Parshadi Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- V.S. Rajpoot

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri V.S. Rajpoot, learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition is preferred for directing the third respondent i.e. Prabhagiya Nideshak, Samajik Vaniki Prabhag, Bulandshahr either to renew the Saw Mill license of the petitioner bearing licence No.109/92 in pursuance of Rule 7 of the Saw Mill Act situated at Village-Jarena, P.O. Dharmpur, Pargana and Tehsil-Dibai, District-Bulandshahr or grant a fresh saw mill license in the name of petitioner in pursuance of order dated 25.1.2016 passed by this Hon'ble Court in C.M.W.P. No.2705 of 2013 (Prasadi Singh vs. State of U.P. and others).

3. Sri Devesh Vikram, learned Additional Chief Standing Counsel raised a preliminary objection regarding maintainability of the writ petition on the ground that earlier petitioner had preferred Writ C No.-2705 of 2013 (Parsadi Singh vs. State of U.P. and others) wherein a Division Bench of this Court has observed that the respondent-authorities had taken a consistent stand all throughout that the licence of the petitioner was never renewed after 1993 and there was no renewal of the licence in favour of the petitioner between the period 1993-1997. It was further held that in impugned order dated 31.7.2012, it has been recorded that the State Level Committee, constituted under the judgment of the Apex Court dated 27.7.2007, in its meeting held on 25.9.2009 had decided that the licence of only such saw mills shall be renewed, which were renewed upto 31.12.1994, since the petitioner's licence was not valid upto 31.12.1994, renewal has been refused. The Court has further observed that the decision of State Level Committee was not under challenge. In this backdrop, he submits that order dated 31.7.2012 was already affirmed by the Division

Bench of this Court vide order dated 25.1.2016 and at this belated stage, the relief as has been sought for by the petitioner, cannot be accorded and for all practical purposes the order dated 25.1.2016 has attained finality.

4. When confronted with this situation, learned counsel for the petitioner submits that he is not pressing the writ petition and leave may be accorded to approach the District Level Committee for getting fresh licence for the saw mill.

5. Learned Additional Chief Standing Counsel states that in case any such application is preferred, definitely the same would be addressed by the concerned authority as per law.

6. Considering the facts and circumstances, we are not inclined to entertain the present writ petition. In case, the petitioner moves a fresh application for issuance of fresh licence for the saw mill before the concerned authority within a week's time, the same would be considered and decided by the said authority as per law within four weeks' time from the date of filing the same along with a certified copy of this order. Needless to say that we have not adverted any opinion on the merits of the case.

7. With the aforesaid observations, the writ petition is disposed of.

Order Date :- 12.10.2023

Manish Himwan