

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.107 of 2012

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Girijanand Sharma @ Girijan Vishwakarma son of Late Sheo Chand Sharma, resident of Village-Lai, P.S. Bihta, District Patna Proprietor of M/s Kanchan Furniture House, Itwan-Lai, P.S. Bihta, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna
2. The Principal Chief Conservator of Forest, Bihar, Patna
3. The Divisional Forest Officer, Patna Forest Division, Patna
4. The Forest Range Officer, Danapur Range, Danapur, Patna
5. The Officer Incharge, Bihta Police Station, Bihta, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
Mr. Vinay Mistry, Advocate

For the Respondent/s : Mr. J.S. Arora, SC-6
Mr. Neeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 01-12-2015 Heard the parties.

The dispute arising in the present writ petition stands noted in the order dated 03.11.2015. The saw mill alongwith its fixtures has been seized by the respondents. The petitioner questions the seizure on grounds that the diameter of the Saw Mill was 18” and which requires no licence under the Bihar Saw Mill (Regulation) Act, 1990.

The claim of the petitioner regarding the dimension of the saw mill is disputed by the respondent Divisional Forest Officer in paragraph-10 of the counter affidavit. The seizure list

dated 31.3.2011 mentions the diameter as 18 feet but a subsequent seizure list dated 05.4.2012 records the diameter as 18 inch.

The petitioner is aggrieved by the order dated 10.6.2011 passed in Confiscation Case No. 4 of 2009-10 as contained in Annexure-5. The order is incomplete and the relevant page-2 of the said order appears at running page 45. The petitioner is also aggrieved by the order dated 16.9.2011 passed in Confiscation Case No. 11 of 2010-11 impugned at Annexure-6 with the complete copy present at running page 47 and 48. The two confiscation proceedings were initiated against the petitioner for operating a saw mill in utter violation of the statutory provisions of the Bihar Saw Mill (Regulation) Act, 1990 (hereinafter referred to as the 'Act') and the rules framed thereunder.

I have heard learned counsel for the parties and I have perused the records. Although the orders have been questioned by the petitioner *inter alia* on grounds of having been passed in violation of the principle of natural justice inasmuch as according to the petitioner no reasonable opportunity was provided to him to defend the case and also on grounds that the saw mill so seized had a diameter of 18 inch which did not require a license but the records speak otherwise. The order passed in Confiscation Case No. 4 of 2009-10 present at Annexure-5, the relevant portion

page-2 of which is present at running page-45 and shows that the petitioner never responded to the notice which was issued on 04.3.2011, 08.4.2011 and 20.5.2011. The records show that the petitioner was operating the saw mill without statutory permission. Insofar as Confiscation Case No. 11 of 2010-11 is concerned the complete set whereof is present at page 47 and 48, the proceedings shows that the petitioner has admitted his guilt.

In the circumstances so discussed, the petitioner is not found entitled to any indulgence.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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