

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20068 of 2011

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Md.Zeya Shams, son of Md. Shamshadul Hassan, Prop. of M/S Hindustan Timber Company R/O Mohalla- Haat Road, Supaul, Ward No. 25 (New), P.S. + Distt. Supaul.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Forest and Environment, Govt. of Bihar, Patna.
2. The Conservator of Forest, Purnea Circle, Purnea.
3. The Divisional Forest Officer, Saharsa Forest Division, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh

For the Respondent/s : Mr. Md. N. Hoda Khan SC18

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 21-08-2015 Heard learned counsel for the petitioner and Mr. Md. N.Hoda Khan, learned Standing Counsel no.18.

The petitioner, who is a licensee of Saw Mill in the name and style of “M/S Hindustan Timber Company, Supaul”, has approached this Court invoking its writ jurisdiction under Article 225 of the Constitution of India, with a prayer to set aside the communication, contained in letter no.1571 dated 11.10.2011, whereby his prayer for allowing him to use trolley in the Saw Mill, has been rejected.

Learned counsel for the petitioner submits that the licence of the petitioner’s Saw Mill is continuing since 1994 and even his Saw Mill has been included in the list as per the



Government Circular dated 30.08.2010. Despite the fact that since long the petitioner is requesting the Forest officials for allowing him to use trolley in the Saw Mill, permission has not been granted and by Annexure-2 to the writ petition, the order/communication dated 11.10.2011 has been issued without assigning any reason, by which the application of the petitioner for grant permission to use trolley in the Saw Mill has been rejected. He submits that in the communication, no reason has been assigned. He further submits that the use of trolley is to facilitate smooth functioning of the Saw Mill and, as such, it may not be treated as fresh licence.

Learned counsel for the State was not in position to satisfy the Court as to whether the communication i.e. Annexure-2 specifies any reason for rejection of the prayer of the petitioner.

In view of the facts and circumstances, particularly the fact that the petitioner is a licensee of the Saw Mill granted under the provisions of Bihar Saw Mill (Regulation) Act, 1990 and the fact that his Saw Mill has been included in the list prepared in view of Resolution dated 30.08.2010, there is no reason to disallow the prayer of the petitioner for using the trolley in its Saw Mill.

Accordingly, in view of facts and circumstances, the

writ petition stands allowed. The communication i.e. letter no.1571 dated 11.10.2011 is hereby set aside and the Respondents are directed to accord proper permission for use of trolley in the Saw Mill of the petitioner.

(Rakesh Kumar, J)

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