

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3975 of 2015

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Binod Sah Son of Shree Rajeshwar Prasad, Resident of Village- Dardha
Mohammadpur, P.S.- Sakara, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Department of Forest and Environment, Government of Bihar, Patna
2. The Principal Chief Conservator of Forest, Government of Bihar, Patna
3. The Chief Conservator of Forest, Government of Bihar, Patna.
4. The Divisional Forest Officer-cum-Licensing Officer, Tirhut Prasaran Van Pramandal, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Respondent/s : AC to Addl. Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 09-11-2015

Heard Sri Mani Bhushan Kumar, learned counsel for

the petitioner and learned A.C. to Addl. Advocate General – 11.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for following reliefs:-

1. To quash the letter No. 3673 dated 22.10.2013 issued by the respondent No. 1.

2. To direct the respondents not to cancel the license before 15.12.2013, if petitioner submitted his Partnership Deed or Power of Attorney to the Forest Department or before respondent before 15.12.2013.

3. To direct the respondents to consider the seniority list as number of the petitioner and put the petitioner in proper place if petitioner submitted his Partnership Deed or Power of Attorney before 15.12.2013 to the respondents.

4. To direct the respondents if license of the petitioner has already been cancelled, restore the license of the petitioner if petitioner submitted his Partnership Deed or Power of Attorney to the respondents before 15.12.2013.

5. To direct the respondents to implement the letter No. 3673 dated 22.10.2013 issued by the respondent No. 1 from 15.12.2013, not from retrospectively.

I have perused **Annexure – 1**, which is a communication made by the Secretary of the Department to all Divisional Forest Officers regarding cancellation of saw mill license, in view of transfer of the saw mill on the basis of power of attorney or partnership deed. The said communication i.e. **Annexure - 1** mainly has been assailed in the present writ petition. It is evident that the Secretary of the Deptt. has asked all the D.F.Os. to take final decision after affording full opportunity to the parties concerned.

The Court is of the opinion that unless any right of the petitioner is infringed, he may not be allowed to invoke the writ jurisdiction of this Court. So far as inclusion of name in the seniority list of Show Mill is concerned, the Govt. of Bihar in 2010 by a resolution has evolved remedy for such aggrieved persons to file appeal before the concerned District Judge.

In view of vague prayer made in the writ petition, this

Court feels that no positive relief can be granted.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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