

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6510 of 2009

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M/S Pandey Saw Mill at village- Koreyan, P.S.- Vijayipur, District- Gopalganj, a proprietorship Firm through its proprietor Hridyanand Pandey Son of Sri Shubh Narayan Pandey, resident of Village- Koreyan, P.S.- Maheshpur, P.S.- Vijayipur, District- Gopalganj (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum- Commissioner, Environment and Forest Department, Government of Bihar, Sichai Bhawan, Old Secretariat, Patna.
3. The Principal Chief Conservator of Forest, Environment and Forest Department, Government of Bihar, Patna.
4. The Licencing Officer-cum-Divisional Forest Officer, Gopalganj Forest Division, Gopalganj, District- Gopalganj.
5. The Collector-cum-Chairman, District Saw Mills Committee, District- Gopalganj.
6. The Licencing Officer-cum- Divisional Forest Officer, Siwan, Forest Extension Division, Siwan, District- Siwan.
7. The Regional Officer of the Forest, Region-Bhore, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Mishra, Advocate.

For the Respondent/s : Md. Anis Akhtar, AC to GA-1.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 30-01-2015 Heard learned counsel for the parties as with regard to

the following relief prayed in this writ application:-

"(a) For issuance of a writ in the nature of certiorari to quash and setting aside the resolution no. 55/02, 760E dated 13.11.2003 issued by the Environment and Forest Department, Government of Bihar, Patna whereby the detailed guideline were provided with regard to grant of preparation of seniority list of Saw Mills and with regard to the closure of the Excess saw mills in the State of Bihar as contained in Annexure-3 to this writ application.



(b) For issuance of writ in the nature of certiorari to quash and setting aside the Annexure-5 issued vide letter no. 2310 dated 31.12.2004 issued by the respondent no. 4, by which the petitioner has been selected in the selection list of saw mill in the District of Gopalganj. It is pertinent to state here that a tentative list has been prepared with regard to the Gopalganj Forest Division, Gopalganj, which is contained in Annexure-4 under which the name of petitioner's Saw mill figured at serial no. 80.

(c) For issuance of a writ in the nature of mandamus directing/commanding the respondents to include the petitioner's Saw Mill in expended list of 1919 Saw Mills and further be pleased to renewed the licence of saw mill of the petitioner as contained in Annexure-8 to this writ application."

2. Having regard to the fact that much water has flown down of the river Ganges after filing of this writ application inasmuch as the Apex Court has already fixed modality for running of the Saw Mills in the State of Bihar this writ application on account of subsequent events has definitely become infructuous.

3. Nothing said in this order, however, will come in the way of the petitioner in getting its case decided as per law laid down by the Apex Court during the pendency of the writ application requiring the District Judge to decide the issue of grant

of licence to saw mills.

4. Consequently, the interim order of this Court dated 03.12.2009 in this case is also vacated with a liberty to the petitioner to approach the competent authority for grant of temporary licence and if the petitioner is aggrieved by refusal of such temporary licence by the competent authority of the State of Bihar, it may move the prescribed authority i.e. the concerned District Judge, as decided by the Apex Court.

5. With the aforesaid observations this writ application is disposed of.

Sujit/-

(Mihir Kumar Jha, J)

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