

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19209 of 2010

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Satya Narayan Kamat S/O Late Nathuni Kamat, R/O Vill.- Biratpur, P.O.-
Biratpur, P.S- Sonbarsa, Distt.- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Chairman, Rastriya Manavadhikar Ayog
3. Collector, Saharsa
4. Chairman Manabadhikar Ayog, Bihar Patna
5. Superintendent Of Police, Saharsa
6. Ban Pramandal Padadhikari, Saharsa
7. Thana Prabhari, Sonbarsa
8. Dhani Badhai S/O Late Tapan Badhai R/O Vill.- Biratpur, P.O.- Biratpur, P.S.-
Sonbarsa, Distt.- Saharsa
9. Bramhdeo Badhai S/O Tufani Badhai R/O Vill.- Biratpur, P.O.- Biratpur, P.S.-
Sonbarsa, Distt.- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girjanand Prasad

For the Respondent/s : Mr. A.C. to AAG-9

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 12-02-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the official respondents for closing of a saw-mill, which, according to him, is being run by the respondent no.8 illegally in the residential premises of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the respondent no.8 has not been issued any licence by any competent authority for running the saw-mill in question. Therefore, he cannot be permitted to run the saw-mill in the premises in question.

Learned A.C. to AAG-9 appearing on behalf of the



respondent no. 1 to 7 by referring to the averments made in the counter-affidavit filed on behalf of the respondent no. 5 and 7 has opposed the prayer and submits that in view of the averments made in paragraph-5 of the aforesaid counter-affidavit, now, the present writ petition has become infructuous. It is pointed out by the learned State counsel that it is true that the respondent no.8 was not issued licence for running a saw-mill by the competent authority, yet he was running the saw-mill in the premises in question, but the aforesaid saw-mill was closed with the help of police force on 22.12.2010.

A copy of the aforesaid counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner way back on 25.03.2011, but the facts stated therein in that counter-affidavit have not been controverted by the petitioner till date by filing any rejoinder affidavit, yet on oral instructions learned counsel appearing on behalf of the petitioner submits that saw-mill in question is still being run by the respondent no.8.

In the aforesaid disputed question of facts, this Court is of the opinion that the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation before the respondent District Magistrate, Saharsa as also before the District Forest Officer, Saharsa raising all the issues, which have been raised in the present writ petition.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with supporting documents, if any, as also with a certified copy of the present order, then the respondent District Magistrate, Saharsa as also the District Forest Officer, Saharsa shall be obliged to consider and decide the issue raised on behalf of the petitioner and shall further be obliged to take appropriate steps for closure of the saw-mill in

question if the respondent no. 8 has not been issued valid licence by any competent authority. The respondent authority shall also be at liberty to take any punitive action against the respondent no. 8 or any other person who is running the saw mill without any valid licence.

Entire exercise must be completed by the aforesaid respondents within a period of three months from the date of filing of the representation by the petitioner in the manner indicated above.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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