

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17802 of 2014**

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

.... .... Petitioner/s

Versus

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

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv.

For the Respondent/s : Mr. Jawahar Pd. Karn, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

4      23-01-2015      The petitioner is aggrieved by the order dated 17.9.2014 passed by the Licensing Authority-cum-Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur whereby the licence of the petitioner bearing No. 253 of 1996 has been cancelled inter alia on grounds of violation of Section 7(5)(a) of the Bihar Saw Mill (Regulation) Act, 1990 (hereinafter referred to as 'the Act') and the rules framed thereunder.

According to the impugned order the licence was initially issued in favour of the M/s Pandey Industries which has subsequently transformed into a partnership form in the year 2003 and which was in violation of the provisions of Section 7(5)(a) of

the Act.

The order has been questioned inter alia on grounds that the partnership deed had been filed in the year 2003 and whereafter the licence has been renewed in favour of the partnership thus accepting the transition. It is submitted that the issue, if any, stood concluded in 2003 and has unnecessarily been wrecked up after 9 years.

I have heard learned counsel for the parties and perused the records. Since the issue involves appreciation of facts in the backdrop of records and since the order passed by the Licensing Authority cancelling the licence of the petitioner is appealable under Section 12 of the Act, hence in the opinion of this Court the petitioner should exhaust the alternative remedy of appeal as available to him in law.

In the circumstances this writ petition is disposed of with the liberty to the petitioner to question the order dated 17.9.2014 passed by the Licensing Authority as impugned in this writ petition before the appellate authority under Section 12 of the Act and any such appeal being filed by the petitioner within four weeks from today if accompanied with a petition for condonation of delay, should be considered by the appellate authority and be disposed of in accordance with law and after opportunity of

hearing to the petitioner, expeditiously and preferably within three months from the date of filing of such appeal bearing in mind the pendency of the issue before this Court.

The petitioner shall be at liberty to pray for interim relief before the appellate authority.

Bibhash/-

**(Jyoti Saran, J)**

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