

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.802 of 2014

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1. M/S Arya Timber, Deepnagar, P.S- Deepnagar, District- Nalanda A Partnership Firm through its Proprietor Dharm Kumar S/O Late Pramod Sharma Resident of Village- Deepnagar, P.S- Deepnagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. The Licensing Officer- Cum- Divisional Forest Officer, Nalanda Forest Division, Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Respondent/s : Mr. Md. Raisul Haque, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 06-01-2015 Heard Mr. Vinay Mistry, learned counsel for the petitioner and Mr. Kishna Kant A.C. to S.C. 4 for the State.

The petitioner has questioned the order bearing letter No. 849 dated 25.3.2011 passed by the Licensing Authority-cum-Divisional Forest Officer, Nalanda Forest Division, Biharsharif whereby the renewal of the licence of the petitioner has been refused inter alia on grounds of not being covered by the resolution bearing No. 2675 dated 30.8.2010.

Although several issues have been raised by Mr. Vinay Mistry appearing on behalf of the petitioner to question the order impugned but the issue which brings the challenge of the

petitioner to a halt is an order bearing Memo No. 2249 dated 28.11.2012 issued by the Licensing Authority whereby the licence issued in favour of the father of the petitioner for running the saw mill in the name and style of Arya Timber bearing No. 72 of 1994 has been cancelled. It is an admitted position that this order of cancellation which was passed as back as on 28.11.2002 was never questioned by the licensee father of the petitioner before any superior forum though he expired only in 2013.

A mere filing of renewal application by the father of the petitioner and subsequently by the petitioner cannot revive a licence which stood cancelled more than 12 years back.

In view of the circumstances discussed, this Court is not persuaded to accept the request made by the petitioner and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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