

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12795 of 2014

=====

Hiralal Singh son of Late Nag Narayan Singh resident of village -
Hanshrajpur, P.S. Ekma, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Environment and Forest, Government of Bihar
2. The Conservator of Forest, Siwan Circle, Siwan
3. The Divisional Forest Officer, Saran Forest Division, Chapra

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 07-08-2015 Heard learned counsel for the petitioner and learned AC
to GA No. 13.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, has prayed for quashing of an order dated 15.2.2014 (Annexure - '3' to the writ petition) whereby appeal preferred by the petitioner against the order of rejection of his licence by the licensing authority has been rejected only on the ground of limitation.

Learned State Counsel submits that in view of Section 12(1) of the Bihar Saw Mills (Regulation) Act, 1990 such appeal was required to be filed within 30 days, however, in the present case the appeal was filed after about 8 months from the date of

order of the licensing authority, and as such, there is no defect in the order of the appellate authority.

The court is also in agreement with the submission made by learned State Counsel but the court feels that for just decision in the matter it would be appropriate for the appellate authority to decide the appeal on its merit instead of rejecting the appeal on the ground of limitation. For just decision in the matter the court considers it proper to interfere with the order impugned. Accordingly, the order dated 15.2.2014 is set aside and the matter is remitted back to the appellate authority to examine the appeal of the petitioner on its merit and decide the same in accordance with law preferably within a period of three months from the date of receipt/ production of a copy of this order.

It is made clear that this court has not recorded any opinion on the merit of the case.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--