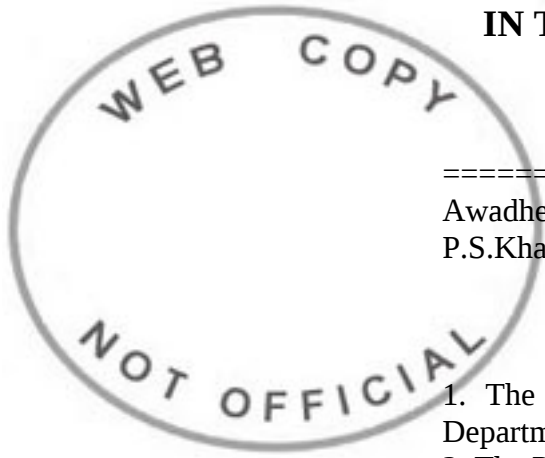




IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17440 of 2010
With
Interlocutory Application No.2479 of 2013

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Awadhesh Kumar, S/O Surendra Narayan Singh, R/O Vill.- Sanhauli,
P.S.Khagaria, Distt-Khagaria & Proprietor of M/S Woodland Saw Mill

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Environment and Forest
Department Bihar, Patna
2. The Principal Chief Conservator of Forest, Bihar, Patna
3. The Regional Chief Conservator of Forest, Muzaffarpur
4. The Conservator of Forest Extension Circle, Purnea
5. The Divisional Forest Officer, Extension of Forest Division, Katihar
6. The Divisional Forest Officer, Extension of Forest Division, Begusarai
7. The Range Officer, Khagaria Extension of Forest Range, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Tripathy
For the Respondent/s : Mr. Ajay Behari Sinha, SC-19
Mrs.Kalpana, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 24-03-2015 The petitioner has filed the present writ petition under Article 226 of the Constitution of India for grant of three reliefs: Firstly, for a direction to the respondents for renewal/grant of a licence to the petitioner for running a saw mill namely M/s Woodland Saw Mill, Khagaria; secondly for a direction to the respondents to release the seized articles in favour of the petitioner; and thirdly for a direction to the respondents to accept the renewal fees of the petitioner for renewal of the licence for running a saw mill.

I.A. No.2479 of 2013 has been filed by one Kaushal Kishore Singh, claiming to be the elder brother of the sole



petitioner, stating therein that the sole writ petitioner died on 03.08.2011 leaving behind his one daughter and one son as his heirs, but both of them are minors. Therefore, a prayer has been made that he may be substituted in place of original writ petitioner.

Learned SC-19 appearing on behalf of the respondents has opposed the prayer by referring to the averments made in the counter affidavits filed on their behalf.

After having heard the parties, this Court is of the opinion that, in view of the death of the sole writ petitioner Awadhesh Kumar, there is no question of issuance of any direction for renewal of his licence for running a saw mill. If the applicant of Interlocutory Application wants issuance of licence, then he will have to apply afresh for grant of such licence, which is required to be considered by the competent authority in accordance with law.

So far release of the seized articles is concerned, the petitioner has not brought anything on record to show the seizure of the articles. Even seizure list has not been brought on record. In absence of seizure list, relief sought for cannot be granted.

So far the prayer for issuance of a direction for acceptance of renewal fees is concerned, even that relief cannot be granted in view of the death of the original writ petitioner.

In the aforesaid facts and circumstances of the case, no relief can be granted to the petitioner in the present writ petition, as it has abated on account of death of sole writ petitioner. However, if any petition is filed by Kaushal Kishore Singh, the elder brother of the original petitioner, for issuance of licence for

running of a saw mill, then the same shall be considered by the competent authority strictly in accordance with law.

The writ petition stands dismissed with the observations made above. I.A. No.2479 of 2013 also stands, accordingly, disposed of.

Arvind/-

(Birendra Prasad Verma, J)

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