

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4054 of 2013

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Nawal Kishore Yadav S/o Manrup Yadav R/o Village- Manmohan Chowk,
P.S.- Basopatti, P.O.- Kamalpur, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Principle Secretary Environment & Forest, Government of Bihar, Patna
3. The Chief Conservator of Forest, Bihar, Patna
4. The Appellate Authority cum Conservator of Forest Muzaffarpur Circle, Muzaffarpur
5. The Licensing Authority cum Divisional Forest Officer, Mithila Forest Division, Darbhanga
6. The District Magistrate, Madhubani

.... Respondents

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav

For the State : Mr. Rajeev Shekhar, AC to GP - 24

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 04-08-2015 Heard learned counsel for the petitioner and learned
A.C. to Govt. Pleader – 24.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an order dated 19-12-2012 passed by the respondent no. 4 in Appeal no. 04 of 2012, whereby the appellate authority has affirmed the order of the licensing authority i.e. 17-04-2012. By order dated 17-04-2012, the Divisional Forest Officer-cum-Licensing Authority, Mithila Forest Division, Darbhanga has cancelled the licence of the petitioner, which was earlier issued under the provisions of Bihar Saw Mills Regulation Act, 1990.

Learned counsel for the petitioner submits that due to illness of the wife of the petitioner, the petitioner failed to submit

monthly statement regarding stock. He submits that the petitioner was running Saw Mill since 1994 and earlier there was no allegation of violation of any terms and conditions.

Learned counsel for the State opposed the prayer of the petitioner by way of referring to averment made in the counter affidavit.

From the order of the licensing authority i.e. order dated 17-04-2012, it is evident that from the year 2010, the petitioner had stopped submitting report regarding monthly storage, which was in contravention of terms and conditions as incorporated in the licence. Despite issuance of notice, no response was given and thereafter, by order dated 17-04-2012, after hearing the parties, the licence has been cancelled, in view of violation of terms and conditions of the licence. Against the order of the licensing authority, the petitioner preferred an appeal and the appellate authority i.e. Conservator of Forest, Muzaffarpur by assigning detailed reason has rejected the appeal.

I have examined the order of the licensing authority as well as the appellate authority. I do not find any defect in either of the orders.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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