

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.493 of 2015

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Prabhawati Kunwar wife of Late Srikant Ojha, resident of Mohalla-Bintoli,
P.O.-Ara, P.S.-Ara Town, Dist.-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Patna, Bihar.
2. The Principal Chief Conservator of Forest, Patna.
3. The Additional P.C.C.F. cum-CWLW Bihar, Patna.
4. The Regional Chief Conservator of Forest, Patna Bihar.
5. The Conservator of Forest Patna Bihar.
6. The Divisional Forest Officer Bhojpur Division Ara Bhojpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Respondent/s : Mr. Arvind Kumar No. 2, S.C.-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 26-02-2015 Mr. Rajendra Nath Sinha for the petitioner and learned
counsel for the State.

The petitioner is aggrieved by an order bearing Memo
No. 473 dated 24.4.2013 passed by the Committee consisting of
the Additional Principal Chief Conservator of Forest, the Regional
Chief Conservator of Forest and the Divisional Forest Officer,
Bhojpur Forest Division, District-Bhojpur.

By the said order the claim of large number of persons
for inclusion in the seniority list was being considered by the
Committee in the light of the directions passed in batch of writ
petitions including the writ petition filed on behalf of the present



petitioner and insofar as the case of the present petitioner is concerned, as there appeared to be a contest as to the ownership of the license no. 96 of 1996, hence the matter was relegated to be raised before the competent authority.

Facts of the case briefly stated is that a license was issued under the provisions of the Bihar Saw Mills Regulation Act, 1990 and the rules framed thereunder in the name of one Sidheshwar Ojha for operating a saw mill. The said Sidheshwar Ojha deceased and on a family arrangement, his brother namely Srikant Ojha was allowed for transfer of the license, who also has since deceased and the petitioner before this Court is the wife of the said Srikant Ojha.

It is pursuant to the order passed by the Supreme Court in the batch of writ petitions arising from W.P. No. 202 of 1995 as well as the circular of the State Government dated 30.8.2010, that the issue raised by the present petitioner in CWJC No. 20493 of 2012 was considered by the Committee and by the impugned order as well as in view of the disputed issues being raised, has been relegated to be considered by the competent authority which in my opinion would be the licensing authority.

I have heard learned counsel for the parties and perused the records. Although the license in question was issued in the



name of Sidheshwar Ojha, the elder brother of the husband of the petitioner bearing no. 96 of 1996 and although there are documents to support that the license was to be transferred in the name of the husband of the petitioner who also filed his application as back as in 2001 as is manifest from the letter of the Divisional Forest Officer, Bhojpur Forest Division, District-Bhojpur dated 19.2.2010 as is manifest from para-5 of the letter placed at Annexure-4 but the matter never reached a logical conclusion and in the meanwhile the exercise of preparation of seniority list started. It is at this stage that the petitioner approached this Court in CWJC No. 20493 of 2012 and which was disposed of with a direction to the Committee to consider her grievance. A copy of the order is placed at Annexure-6.

Having heard learned counsel for the parties and taking note of the nature of the grievance raised in the writ petition where the license given to Siddheswar Ojha is yet to be transferred in the name of any other family member though there are documents to support that such request was made, the writ petition is disposed of with a liberty to the petitioner to file an appropriate application before the licensing authority i.e. the Divisional Forest Officer, Forest Division, Bhojpur and who shall consider the request made by the petitioner and dispose of the same in accordance with law,

in the light of the order passed by the Committee bearing Memo No. 473 dated 24.4.2013 and after hearing the concerned parties including one Dharmendra Kumar, has also staked claim for transfer of the licence in question.

Considering the nature of dispute, an expeditious disposal within eight weeks from the date of filing of such application would be appreciated.

(Jyoti Saran, J)

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