

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2113 of 2015

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M/s Hind Plywood , Naya Tola Bettiah, District-West Champaran, through its Proprietor Mohammad Osman, son of Late Abdul Gaffur, resident of Naya Tola, Bettiah, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Environment and Forest, Government of Bihar, Old Secretariat, Patna.
2. Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. The Conservator of Forest, Valmiki Tiger Project, Bettiah, District-West Champaran.
4. The Divisional Forest Officer-cum- Authorized Officer - cum- Deputy Director, Valmiki Tiger Project, Division No. 1, Bettiah, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Respondent/s : Mr. GAUTAM BOSE, AAG 8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-07-2015

Many a questions have been raised in the writ application, which are not required to be answered, at least in the present proceeding. However, one question which merits consideration is that it is the Banpal (Forester), who has effected seizure of the Saw Mill, which is said to be a Veneer Mill, on the ground that it was being illegally run since it is out of the seniority list already notified by the State Government.

Bereft of other issues counsel for the petitioner draws the attention of this Court to an order passed in CWJC No. 11206 of

2005, decided on 4.7.2012, wherein after taking note of the provisions especially section 8 of the Bihar Saw Mill Regulation Act, 1990, such an act was held to be beyond the power and competence of the Forester.

For the reasons indicated in the said order and in the given facts, the seizure effected in terms of Annexure-22, which is annexed with I.A. No. 4295 of 2015 and is dated 22.3.2015, stands quashed.

Writ application is allowed to the extent indicated above.

The competent authorities, however, are free to take proper action in accordance with law.

The materials so seized must be released in favour of the petitioner in view of legal infirmity pointed out.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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