

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3317 of 1999

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Shankar Traders, through its Proprietor, namely, Shankar Prasad Gupta,
son of Shri Lakshmi Prasad Gupta, resident of Mohalla – Jaynagar, P.S.
– Jaynagar, District – Madhubani.

.... Petitioner

Versus

1. The State of Bihar
2. Mr. R.D. Sinha, Secretary Department of Forest and Environment,
Government of Bihar, Patna.
3. Mr. M.P. Singh, Regional Chief Conservator of Forest, Bihar.
4. Mr. D.K. Shukla, Conservator of Forest, Muzaffarpur Anchal, Patna.
5. Mr. Anil Prasad, Divisional Forest Officer, Mithila Forest Extension
Division, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 30-08-2016

The petitioner claimed to be the importer of about 7000 quintals of Nepali Khair wood. He had made an application before the local Indian authorities i.e. the Conservator of Forest, Magadh Division, Patna for grant of transit permit to move the Nepali Khair wood through the territory of State of Uttar Pradesh. The authorities demanded from the petitioner particulars of the manner in which he had acquired the Nepali Khair wood in Nepal. The petitioner could produce only one paper i.e. the bill of entry showing



movement of Khair wood from Nepal to Bihar in course of import export. Being unable to produce any other paper, by order dated 24.01.1992, the demand for transit permit was rejected by the Conservator of Forest, Magadh Division, Patna, which was challenged by the petitioner in CWJC No. 1116/1992. The said writ petition was ultimately heard and allowed by judgment and order dated 20th February, 1998 by Division Bench of this Court, holding that the authorities could not demand papers of how the Khair wood was acquired by the petitioner in Nepal, so long as the produced bill of entry would show that the Khair wood came from Nepal. Accordingly, order dated 24.01.1992, which was Annexure-10 to the writ petition, was quashed, and the respondents were directed to issue the transit permit in accordance with law. The judgment is dated 20th February, 1998. On 14.10.1999, this application for initiating contempt proceedings against the respondents were instituted on the plea that notwithstanding the orders of this Court, which was served on the authorities they were not issuing the transit permit.

This application was immediately admitted for final hearing. Show causes have been filed including show



cause by the Conservator of Forest. He has brought on record that though the judgment of this Court in the writ proceedings was dated 20th February, 1998, it is almost after a year that the petitioner turned up with the order and asked for issuance of transit permit in implementation of order of this Court in the writ proceedings. The petitioner was then asked to give the location, where over 7000 quintals of Khair wood was stored, because that was the information required to be given in the transit permit. It would be the place of origin of wood upon import to India. The petitioner again took a long time and was able to furnish only particulars of 10 godowns, and in the same total Khair wood was only about one thousand (1000) quintals. He could not disclose where the balance wood was. Upon inspection of those premises, it was found that they were either thatched hutments or upon ditches the wood was kept. On examination, it was found to be freshly cut Khair wood and not Khair wood which had been imported in the year 1992 for which transit permit passes were being asked in the year 1999. It is on this ground that the authorities had not taken any action to grant transit permit.

It may be noted that in the show causes that

were filed, it is also stated that under similar circumstances the petitioner had filed another writ petition being CWJC No. 5561/1991 for similar relief, which was dismissed by Division Bench of this Court by judgment and order dated 23.04.1991. There is no rejoinder to the show causes that were filed in the year 2000.

Thus, it is apparent that the petitioner had tried to build the case in the court but the truth of the matter appears to be something else. It was for the petitioner to satisfy the queries of the authorities before they could grant the transit permit. Petitioner even could not locate or disclose the location of the entire consignments, even what he could point out was fresh wood and not wood which he had imported in the year 1992 i.e. eight (8) years earlier.

In that view of the matter, we are convinced that there has been no willful disobedience with the orders of this Court passed in the writ proceedings.

This application is, accordingly, dismissed.

Learned counsel for the petitioner submits that the Proprietor of the petitioner's firm had died and a substitution petition would be required. Learned counsel for the petitioner does not know the date when he died. In view



of the facts noted above, in our view, there is no need for substitution and will serve no useful purpose.

Hence, prayer is rejected.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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