

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6637 of 2014

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1. Nand Kishore Prasad Sah S/O Late Jagat Narain Prasad R/O Village - Hussaini,
P.O. Hussaini, Block Keshariya, P.S. Dumariya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest Department, Govt. of Bihar, Patna.
2. The Principle Chief Conservator of the Forest, Bihar, Patna
3. The Regional Conservator of the Forest, Muzaaffarpur.
4. The Conservator of Forest, Siwan
5. The Divisional Forest Officer, Motihari, Forest Division, Motihari
6. The Commissioner, Tirhut Division, Muzaaffarpur, District Muzaaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Adv. Mr. Sharda Nand Mishra, Adv.
For the Respondent/s	:	Mr. Anshuman Singh, G.P.24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-12-2017

Heard learned counsel for the parties.

This writ petition was dismissed by a reasoned order passed on 29.01.2015. This Court taking note of the statement made in the counter affidavit that while the saw mill licence of the petitioner was cancelled vide memo No.3886 dated 29.12.1999 the same was not questioned before a superior forum and had attained finality, dismissed the writ petition.

A review application came to be filed by the petitioner in which the petitioner admitted that due to inadvertence he could not inform the Court that an appeal against the order of cancellation had been



filed by the petitioner bearing Appeal No.2 of 2015. It was the stand of the review petitioner that even though the petitioner was at fault in not giving the correct status of the matter but even the State was guilty of misleading the Court by not placing proper facts. It is taking note of the circumstances and the pleadings in the review application that the dismissal order passed by this Court on 29.01.2015 was recalled and the writ petition was directed to be put up before the appropriate bench for consideration and disposal afresh.

The writ petition was thereafter listed before a coordinate bench of this Court on 18.5.2016 when none appeared on behalf of the petitioner and the writ petition was dismissed for non prosecution and has been restored vide order passed on 21.9.2016 in M.J.C.No.2247 of 2016. The records of the writ petition confirm that neither the appellate order passed on the appeal filed by the petitioner bearing Appeal No. 2 of 2015 dismissed on 04.02.2016 has been placed on record nor any prayer is made to challenge the same. By passing of the appellate order, the issue raised in the present writ petition is rendered infructuous for until such time that the petitioner would question the appellate order passed in Appeal No. 2 of 2015, he has no case for consideration.

Mr. Vijay Anand learned counsel submits that he has filed a writ petition bearing C.W.J.C.No.18015 of 20116 to challenge the



final order passed in Appeal No. 2 of 2015. In my opinion in view of the order passed in Appeal No. 2 of 2015 this matter has become academic and since the petitioner has already challenged the order in C.W.J.C. No. 18015 of 2016, he shall be at liberty to raise all issues as raised herein, in the said writ petition.

With the liberty so granted, the writ petition along with the interlocutory application, if any filed, is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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