

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.113 of 2016
IN
Civil Writ Jurisdiction Case No. 22032 of 2014**

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M/s Krishna Saw Mills, through Proprietor, Binay Kumar, S/o Ramashish Sao, R/o village + PO + PS - Pipra Kothi, District - East Champaran, Motihari.

.... Appellant

1. Versus

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

.... Respondents

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Appearance :

For the Appellant : Mr. Sharda Nand Mishra, Advocate.
For the Respondents : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-04-2017

In the writ petition, as the learned Writ Court has given liberty to the petitioner to take recourse of alternative remedy for filing appeal before the District Judge, we see no reason or any error committed by the learned Writ Court. During the course of hearing, learned counsel for the petitioner invited our attention to the Interlocutory Application filed by the petitioner being I.A. No. 91205 of 2015 and an order dated 07.07.2015 filed in L.P.A. No. 1216 of 2015 and tried to canvass a contention that as the name of the petitioner has not been included in the merit list without hearing him, the same order as was passed in L.P.A. No. 1216 of 2015 should be



passed. However, in reply to this Interlocutory Application, a detailed counter affidavit has been filed by the respondent no. 6 stating therein the reason as to why the order passed on 07.07.2015 in L.P.A. No. 1216 of 2015 will not be applicable in the case of the petitioner. Taking note of the reply, we are of the view that no prejudice has been caused to the petitioner. The right of the petitioner is still protected, he may file an appeal before the District Judge where the statutory appeal is maintainable as directed by the learned Writ Court and therefore, we see no reason to make any indulgence into the matter. In case, the petitioner files an appeal before the District Judge within a period of 30 days from today, the District Judge may take it up for hearing and shall decide the appeal within a period of three months.

With the aforesaid liberty, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	27.04.2017
Transmission Date	

