

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.650 of 2015
IN
Civil Writ Jurisdiction Case No. 12619 of 2014**

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Yogeshwar Prasad S/o Sri Sheetal Prasad R/o Village- Govindpur, P.S.- Fatuha,
District- Patna.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The Conservator of Forest-cum-Prescribed Authority, Patna Circle, Patna, Joint Forest Bhawan, Nehru Nagar, Patna.
4. The Divisional Forest Officer-cum-Licensing Authority, Patna Division, Nehru Nagar, Patna.
5. Ram Janam Mistri, S/o Late Bandhu Mistry, R/o Village- Govindpur, P.S.- Fatuha, District- Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Abhay Shankar Singh, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 24-07-2017

Heard counsel for the appellant.

The learned single Judge has taken note of the fact that the licence in question though may be showing Yogeshwar Prasad as the licensee and the name of the other partner may not have been reflected in the first column, but then the licence was issued to the firm which is a partnership firm and, therefore, the clauses of the partnership deed is binding upon the parties and the effort on the part of the present appellant to claim the licence as if it is his proprietorship licence has been rightly rejected by the learned single



Judge.

It is obvious from perusal of the documents on record that it was a family business which was carried on for a long long period of time, but as it happens when the going gets good the family also falls apart and the present litigation is basically an outcome of the same.

The learned single Judge, therefore, has committed no error by giving liberty to the appellant as well as the private respondent to file a joint application for change of the location of the saw mill. The parties are free to avail the widow of opportunity granted by the learned single Judge.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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