

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17139 of 2011

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M/S Pandey Saw Mill Through Its Proprietor Ajit Kumar Pandey, S/O Late Ram Nadan Pandey Resident Of Village-Shatgama, P.S.-Dalsinghsarai, District-Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department Of Environment And Forest, Government Of Bihar, Patna.
3. The Principal Chief Conservator Of Forest, Govt. Of Bihar, Patna.
4. The District Forest Officer, Purnea Circle, District-Purnea.
5. The Divisional Forest Officer-Cum-The Licencing Authority, Begusarai, District- Begusarai.
6. The Range Officer, Forest Department, Samastipur, District-Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Md. Imteyaz Ahmad, Adv.
For the Respondent/s : MD. N. Hoda Khan, SC18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the parties.

This writ petition was earlier dismissed by a Co-ordinate Bench of this Court vide order passed on 3.8.2015 but since it did not accompany reasons that the Division Bench while considering the matter in L.P.A.No. 86/2016 remitted the matter for fresh consideration and disposal. It is thereafter that the matter is listed before the Bench when the parties have been heard.

Apart from the fact that the order is appealable even on merits the petitioner has no case.

In short, the application of the petitioner for grant of saw



mill licence has been rejected by the licensing authority cum Divisional Forest Officer, Begusarai and the reason assigned is that although the petitioner had submitted an application for issuance of saw mill licence on 30.12.1992 which was received in the office on 16.10.1993 but the application for licence was filed under the Bihar Rules for the Establishment of Saw Pit and Establishment and Regulation of Depot, 1983 and not under the Bihar Saw Mill Regulation Act, 1990 as well as Rules framed thereunder. The licensing authority taking note of this aspect of the matter where application itself was not filed in the statutory format nor under the Saw Mill Regulation Act, 1990 and taking into consideration the fact that the petitioner without obtaining the statutory licence was operating the saw mill in question, has rejected his application. While rejecting he has also taken note of the bar put by the Supreme Court on grant of fresh licence.

For the reasons and discussions made, the order passed by the licensing authority to reject the application of the petitioner suffers no infirmity requiring indulgence,

However, taking note of the fact that the rejection of application of the petitioner for grant of saw mill licence was for the reason that it was not filed under the proper enactment, would not preclude the petitioner from approaching the statutory authority afresh



by filing a proper application for grant of licence and which prayer of the petitioner would be considered and disposed of by the licensing authority in accordance with law bearing in mind the order passed by the Supreme Court on related matters.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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