IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10988 of 2013

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Ramadhar Thakur Son Of Shri Deo Nath Thakur Resident Of Village - Bhatulia, P.S. Paroo, District - Muzaffarpur

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary, Department Of Forest And Environment, Old Secretariat, Patna
2. The Licensing Officer - Cum - Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur
3. The District Forest Officer, Muzaffarpur
4. The Forest Range Officer, Motipur
5. The Prescribed Authority - Cum - Conservator of Forest, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
Mr. Ram Pravesh Kumar, Adv.

For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the parties.

This matter was heard on 1.12.2017 and when this Court after hearing Mr. Ashok Kumar, learned counsel for the petitioner, and Mr. Vivek Anand Amritesh, learned AC to SC-28, and on taking note of the fact that the grounds for rejection of renewal of saw mill licence of the petitioner, which was not only on account of delayed deposit of renewal fee but was also on ground of non-submission of stock returns, had adjourned the matter to enable the learned counsel for the petitioner to satisfy this Court as to whether any returns were filed by the petitioner since after 23.7.1999 until passing of the impugned order of cancellation of licence on 30.9.2004 because it is on non-deposit of renewal fee and non-filing of returns that the licence has been cancelled. This Court while taking note of the view of the Division Bench on delayed deposit of renewal fee since reported in 2017(1) PLJR 764 (**Shyamal Kishore Singh v. the State of Bihar & ors.**) wherein the Division Bench has held that even though a delayed renewal can be a reason for imposition of penalty but it cannot be a ground for cancellation of licence until such time that the licence holder is held guilty of violation of condition of licence. Since the petitioner was also being charged for non-filing of stock returns and which default was regular in nature, inasmuch as the petitioner having defaulted by not filing the stock returns in 1996-97 had been put to notice and in response he gave an undertaking on 2.8.1997 to submit it regularly yet he defaulted and after two years, that is on 23.7.1999, he submitted a return for 28 past months on being again put on notice. The records do confirm that the petitioner has thereafter again defaulted in filing of the stock returns and it is in this view of the matter that the licensing authority i.e. Divisional Forest Officer vide Annexure 1 dated 30.9.2004 has cancelled the saw mill licence of the petitioner granted under the Bihar Saw Mill (Regulation) Act, 1990 read with Bihar Saw Mill (Regulation) Rules, 1993 bearing licence No. 200/1995 which order has been confirmed by the appellate authority vide Annexure 2 to the writ petition.

As I have observed at the outset that the matter was heard on 1.12.2017 and was adjourned to enable the learned counsel for the petitioner to satisfy whether or not the stock returns had been filed since after 1999, however there is nothing forth coming.

In the circumstances so discussed and even if the delayed deposit of renewal fee may not be a foundation for cancellation of licence in view of legal position settled by this Court in the judgment referred to above, certainly non-filing of stock returns since after 1999 is a valid reason for cancellation of licence since it violates the condition of licence.

For the discussions aforementioned, I find no reason to interfere with the orders impugned. The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
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