

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20139 of 2012

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1. M/S Shivam Enterprise, Laheriaganj, Ward No.1, Madhubani, P.S.- Madhubani, District- Madhubani A Proprietorship Firm Through Its Proprietor Sharat Chandra Mishra, S/O Late Narayan Mishra R/O Mohalla- Laheriaganj, Ward No.1, Madhubani, P.S.- Madhubani, District- Madhubani
 2. M/S Koli Timber, Tilak Chowk, Ward No. 6, Madhubani, P.S.- Madhubani, District- Madhubani A Proprietor firm through its proprietor Naveen Kumar, S/O Late Shital Thakur R/O Mohalla- Tilak Chowk, Ward No. 6, Madhubani, P.S.- Madhubani, District- Madhubani
- Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Environment & Forest Department, Government Of Bihar, Patna
2. The Principal Chief Conservator Of Forest Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna
3. The Regional Chief Conservator Of Forest, Muzaffarpur
4. The Conservator Of Forest, Muzaffarpur Circle, Muzaffarpur
5. The Divisional Forest Officer, Mithila Forest Division, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Abul Kalam, A.C. to A.A.G.-12

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-08-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. The petitioners in the present writ application has prayed for the following reliefs:-

- (i) “For issuance of a writ in the nature of certiorari for quashing the Resolution No. 2563 dated 16.08.2012 (Annexure-9) issued by the Department of Environment & Forest, Government of Bihar, Patna whereby the detailed guidelines were provided with regard to grant of preparation of seniority list of Saw Mill and with regard to the relocation of surplus licensed Saw Mills in the State of Bihar as the same does not confirm to the observations and recommendations of CEC dated 09.03.2012 approved by the order



- of Hon'ble Supreme Court dated 30.03.2012.
- (ii) For issuance of writ in the nature of certiorari for quashing of memo No. 2122 dated 24.07.2012 (Annexure-10) issued by the Principal Chief Conservator of Forest, Bihar, Patna whereby the petitioners have been excluded from the seniority list of 77 Saw Mills within the district of Madhubani as the same does not confirm to the observations and recommendations of CEC dated 09.03.2012 as well as order of the Hon'ble Supreme Court dated 30.03.2012 and also the Resolution No. 76/2007-2675 dated 30.08.2010 issued by the Department of Environment and Forest, Government of Bihar, Patna.
 - (iii) For issuance of writ in the nature of Mandamus directing the respondent authorities not to take any coercive action against smoothly running the Saw Mill of the petitioners in the facts and circumstances of the case."

3. It appears that on the last occasion, the matter was directed to be listed along with C.W.J.C. No. 19998 of 2012 being the case of M/s Uday Timber and Ors. Vs. The State of Bihar and Ors. as the issue in the present writ application is identical and same.

4. Learned counsel for the petitioners submits that the aforementioned writ application has since been disposed of in the light of the order passed in C.W.J.C. No. 20599 of 2012 (M/s Vishwakarma Saw Mill & Ors., Vs. the State of Bihar) which is, for ready reference, quoted hereinafter:-

"If that be the case, then the petitioner should respond to the notice(s) already issued to them, copies whereof have been enclosed as Annexure-11 series. The concerned respondent/authority shall consider their reply/option(s) to be furnished by the petitioners and dispose of the same in the light of the second recommendation made by the CEC (Annexure-7) as well as the relevant order passed by Hon'ble the



Supreme Court. Obviously, the matters will finally be placed before the CEC for grant of approval. If there be any defect or illegality in the decision of preparation of the list, the same can be brought to the notice of the CEC for rectification/correction, in accordance with law.

The application stands disposed of.”

5. Having considered the judgment dated 03.10.2016 passed in C.W.J.C. No. 19998 of 2012 which has been placed before this Court, I am also of the view that the present writ application is squarely covered by the aforementioned writ application and can be disposed of in same terms. The petitioners are thus directed to appear before the Divisional Forest Officer, Mithila Forest Division, Darbhanga, with a certified copy of this judgment within a period of four weeks from today which shall be considered and disposed of in the light of the directions already issued by this Court in the case of M/s Vishwakarma Saw Mill & Ors., Vs. the State of Bihar).

6. With the aforementioned directions, this writ application is disposed of.

7. The issues which have not been dealt with in the present case and in the aforesaid judgment stand not pressed.

(Anjana Mishra, J)

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