

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2083 of 2015

In

Civil Writ Jurisdiction Case No.21793 of 2014

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Baijnath Aara Mill at Murdika, Samastipur through it's Proprietor,
Baidyanath Sharma @ Baijnath Sharma S/O Anup Lal Sharma Resident of
village-Keras Nizamat, P.S.-Samastipur, District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Environment and Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Muzaffarpur Circle, at Muzaffarpur.
3. The Licensing Officer-cum-Divisional Forest Officer Begusarai Forest Division, Begusarai.
4. Bipin Sharma, Son of Late Yogendra Thakur, resident of Mohalla-Bahadurpur, P.S.- Samastipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr Ram Shankar Pradhan, Sr. Advocate
Mr. Dilip Kumar Roy
For the Respondent/s : None

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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 : 13-09-2017

Heard learned senior counsel for the appellant.

Perused the order dated 11.08.2015. If the learned Single Judge dismissed the writ application refusing to interfere with the decision dated 06.02.2013 passed by the licensing authority revoking the licence, which was initially issued in favour of the appellant, for the reason of alienation in favour of one Bipin Sharma, the same has been held to be valid. As such a conduct was



found to be in violation of the Forest Act so Section 7 (5) of the Bihar Saw Mills (Regulation) Act, 1990 gets invoked and power has been exercised for the said aberration.

The Court is informed by the learned senior counsel that Mr Bipin Sharma is also fighting a legal battle. This issue is pending before the appellate authority in which the present appellant has intervened. Dismissal of this appeal may not come in the way of this appellant’s right to intervene and contest the matter before the said forum. Otherwise, the appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
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