

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14667 of 2017

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1. M/s Mahavir Saw Mill, Shankar Lohar Bithuali, P.S. Baheri, District- Darbhanga a proprietorship firm through its Proprietor Birendra Sharma, Son of Late Mahavir Sharma, resident of Village- Shankar Rohar, Bithauli, P.S.- Baheri, District- Darbhanga.
 2. M/s Poonam Saw Mill, Mahinam, P.S. Benipur, District- Darbhanga a proprietorship firm through its Proprietor Ram Naresh Jha, Son of Late Bacha Jha, resident of Village- Mahinam, P.S. - Benipur, District- Darbhanga.
 3. M/s Shankar Chirai Mill, Kelwagach Panjob, P.S. Darbhanga, District- Darbhanga a proprietorship firm through its Proprietor Smt. Sujan Devi, Wife of Late Rajendra Sharma, resident of Village- Kelwagach Panjob, P.S. Darbhanga, District- Darbhanga.
 4. M/s Anand Saw Mill, Supaul Bazar, Biraul, P.S. Biraul, District- Darbhanga a proprietorship firm through its Proprietor Ramcharitra Nayak, Son of Late Nemi Nayak, resident of Supaul Bazar, Biraul, P.S. Biraul, District- Darbhanga.
 5. M/s Laxmi Timber, Tektar, P.S. Kamtaul, District- Darbhanga a proprietorship firm through its Proprietor Lalit Kumar Jha, Son of Late Parasnath Jha, resident of Village- Tektar, P.S. Kamtaul, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar, through the Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest-cum-Chairman, State Level Committee of Wood Based Industries, Bihar, Patna.
3. The Conservator of Forest, Muzaffarpur Circle, Muzaffarpur.
4. The Licensing officer-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga.

.... Respondents

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Appearance :

For the Petitioners : Mr. Vinay Mistry, Advocate

For the Respondents : Mr. Awanish Nandan Sinha, GP-21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs--

“(i) For issuance of writ in the nature of Mandamus



directing the respondent no. 2 Principal Chief Conservator of Forest-Cum-Chairman, State Level Committee of Wood Based Industries, Bihar, Patna to consider the grievance of the petitioners and to grant permission the petitioners to run the Saw Mills in terms of the order dated 05.10.2015 (Annexure-P/2) passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995 as the petitioners have already filed a detailed representation before the Chairman, State Level Committee of Wood Based Industries, Bihar, Patna on 15.05.2017 (Annexure-P/4) and the same is still pending for consideration.

(ii) For issuance of writ in the nature of Mandamus directing the respondents not to take any coercive action against the petitioners in the facts and circumstances of the case.

(iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.

3. At the very outset, learned counsel for the petitioners submits that it will suffice if the petitioners' representation dated 15.05.2017 (Annexure-P/4) filed before the Licensing officer-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga. (Respondent No. 4) is directed to be disposed of, in which event, the present writ petition need not be pressed on merits.

4. Learned counsel for the respondents appears and has been heard.



5. Having regard to the nature of the grievances and the stand of the petitioners, the present writ petition is disposed of with a direction to the Licensing officer-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga (Respondent No. 4) to consider and dispose of the petitioners’ representation dated 15.05.2017 (Annexure-P/4), if the same is still pending before him, after grant of opportunity of hearing to the petitioners in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/ production of a copy of this judgment.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.05.2018
Transmission Date	N.A.

