

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.351 of 2016

In

Civil Writ Jurisdiction Case No.5841 of 2015

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Ram Babu Sharma son of Sri Sudarshan Sharma, resident of village- Aniath,
P.S. Nawada, Dist- Bhojpur Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Environment and Forest Department, Patna, Bihar.
3. Principal Chief Conservator, Patna, Bihar.
4. The Conservator of Forest, Patna, Bihar.
5. The Divisional Forest Officer-Cum-Licensing Authority, Ara, Bhojpur.
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 01-02-2018

Letters Patent Appeal has been preferred against the order dated 25.08.2015. The learned Single Judge dismissed the writ application primarily on the ground that the application for renewal of licence was rejected way back in the year 2002 but the writ application has been preferred only on 13.04.2015, therefore, the learned Single Judge was of the opinion that a stale and a dead issue cannot be revived after 13 years.

Plea of the counsel for the appellant is that since he did not have any information about the rejection, he was patiently waiting response from the authorities and he continued to deposit the requisite fee for renewal regularly.



Learned Single Judge has taken note of the fact that the deposited fee was refunded to the appellant but since he refused to accept it, the same was returned.

Irrespective of the above, what is of significance is that the Hon'ble Apex Court now on the basis of recommendation of the empowered committee has fixed the number of Saw Mills, which are permissible in every district and this number cannot be exceeded. In addition to that, the list is required to be prepared on the basis of the age of the licence, meaning thereby that the oldest licence will get priority and thus, in the descending order the number will be decided. The number of Saw Mills will decide, who can be permitted and are entitled to issuance of the licence.

Since the Saw Mill of the present appellant has not been functional for decades even otherwise there cannot be any direction for either renewal of the licence or permission to run the Saw Mill contrary to the direction and guidelines issued by the Hon'ble Supreme Court and the recommendation of the empowered committee.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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