

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18924 of 2015

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Raj Kumar Sharma son of late Ram Prasad Sharma resident of Village -
Mansoorchak, P.S. - Mansoorchak, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Govt. of Bihar.
2. The Principal Chief Conservator of Forest, Govt. of Bihar, Sichai Bhawan, Harding Road, Patna - 1.
3. The Forest Conservator, Govt. of Bihar, Forest Extension Anchal Purnea.
4. The Divisional Forest Officer-cum-the Licensing Authority, Govt. of Bihar, Extension Forest Division, Begusarai.
5. The Monitoring Committee-cum-District Magistrate, Begusarai.
6. The Conservator of Forest, Govt. of Bihar, Forest Circle, Begusarai.
7. The Forest Range Officer, Govt. of Bihar, Forest Range Officer, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia, Advocate
For the Respondent/s : Mr. Sita Ram Yadav, GP16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner and the respondents.

2. Petitioner seeks writ in the nature of certiorari for quashing the letter dated 02.04.2002 bearing memo no. 536 whereby the petitioner's claim for establishment of saw mill in the District of Begusarai has been rejected.

3. The reasons assigned by the authority is that subsequent upon coming into force of new Act and within the cut of date i.e., before



04.09.1993 the petitioner had not made application for the saw mill license. Relying upon the decision of this Court dated 26.04.2001 passed in C.W.J.C. No. 4611 of 2001 the authorities have rejected the claim of the petitioner that he be allowed to continue as a deemed licensee under the provisions of Section 5 of the Saw Mill Act.

4. The respondents have filed their counter affidavit in the matter. They have taken a stand that under the orders of the Hon'ble Apex Court in the case of **T.N. Godvarman Thirumulpad vs. Union of India & Ors. in W.P. (Civil) No. 202 of 1995**, the Central Empowerment Committee was constituted. The same has limited the number of saw mills for every area. Out of total number of 69 applicants, license has been allotted to 49 persons whose applications were within the cut of date and who had been operating a saw mill under a valid license under the Saw Mill Act.

5. Specific assertions of the State in the counter affidavit have not been denied or disputed by the petitioner by filing any rejoinder, though copy of the counter affidavit has been filed after serving a copy of the same on the petitioner's counsel way back in the year 2016. Admittedly, the petitioner has never been issued a saw mill under the Saw Mill Act after its coming into force in the year, 1993.

6. No case is made out for interference with the impugned order.



7. Writ petition is dismissed

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

