

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13929 of 2013

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Gauri Shankar Coudhary Son Of Late Surendra Kumar Choudhary Resident
Of Village- Raj Guru, P.O. P.S.- Tarpur, District- Munger

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna.
2. The Divisional Commissioner Cum Chairman, Saw Mill Selection Committee, Munger.
3. The Conservator Of Forest, Wild Life Circle, Patna.
4. The Divisional Forest Officer Cum Secretary, Saw Mill Selection Committee, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay
For the Respondent/s : Mr.Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date: 07-09-2018

The writ petition has been filed for quashing the order dated 18.04.2013 passed by the learned Adhoc Additional District Judge-III, Munger, whereby and where-under the appeal filed by the petitioner against the order dated 19.10.2010 passed by the Saw Mill Selection Committee, Munger has been dismissed.

2. The brief facts of the case, as per the petitioner, are that the petitioner herein had applied for a license for Saw Mill Veneer Plywood on 22.9.1995 before the licensing authority under the Bihar Saw Mills (Regulation) Act, 1990 and the license fee was also deposited. Thereafter, a license was granted vide License No. 30/1995. The said license granted to the petitioner is said to have been renewed from time to time on annual basis till the year 2010 by the



Divisional Forest Officer, Munger. The respondent authorities had published a provisional seniority list dated 30.08.2010, however, the name of the petitioner's saw mill was not included, whereafter, the petitioner had filed an objection and finally Saw Mill Selection Committee of District Munger by resolution dated 19.10.2010 had considered the case of the petitioner herein and others and as far as the petitioner herein is concerned, the said Committee has resolved that upon spot inspection made, it has been found that the petitioner is having a veneer mill and not a saw mill, hence the name of the petitioner's mill has not been listed in the seniority list published regarding the saw mill.

3. The learned counsel for the petitioner has submitted that at the time when the petitioner was granted license in the year 1995, the veneer mill was not included in the purview of the Bihar Saw Mill (Regulation) Act, 1990 and the Act was only meant for regulation of saw mill and issuance of license thereof, hence even if the license mentions the trade of the person to whom the license is being granted as veneer plywood mill, it would be understood that the license was provided for running a saw mill and the trade of the petitioner was saw mill.

4. I have heard the learned counsel for the petitioner and the State and have perused the materials on record, from which it is apparent that the petitioner had applied for grant of license for veneer plywood mill on 4.11.1995 and accordingly, he was issued a license



showing the profession/ trade of the petitioner to be veneer plywood mill, thus it is nowhere mentioned either in the application of the petitioner or in the license granted to the petitioner that the same is regarding saw mill. Admittedly, during the course of inspection as well, the mill of the petitioner has been found to be a Veneer Plywood mill and not a saw mill, hence the petitioner is not entitled to any relief inasmuch as a Veneer Mill cannot be included in the seniority list of saw mill. Moreover, as per resolution no. 760 dated 13.11.2003 issued by the Department of Environment and Forest Department, a Selection Committee headed by the District Magistrate, Munger was formed and the list of Saw mill and veneer mill was prepared on 7.2.2004, which has been produced by the respondents in their counter affidavit and according to the said list, the mill of the petitioner herein has been included separately in the list of Veneer Plywood mill of Munger District. The respondents have further submitted in their counter affidavit that all the lists prepared by the licensing authority cum DFO, Munger show the petitioner's mill to be a Veneer Plywood mill. In fact, the petitioner herein, in his objection filed before the Divisional Forest Officer, Munger-cum- Licensing authority, Munger on 21.08.2002 had admitted that the mill of the petitioner is a Veneer Plywood mill, as is apparent from the said representation of the petitioner annexed by the respondents in their counter-affidavit as Annexure-I. The aforesaid contentions raised by the respondents in their counter affidavit have



not been controverted by the petitioner herein inasmuch as neither any rejoinder has been filed nor any oral submission has been advanced so as to counter the contentions of the respondents, hence admittedly, the petitioner herein does not operate a saw mill but a Veneer Plywood Mill. Moreover, I find that the impugned order passed by the Saw Mill Selection Committee, Munger dated 19.10.2010 and the one passed by the learned Adhoc Additional District Judge-III, Munger in Misc. Appeal No. 6 of 2012 are well reasoned, just and legal orders which require no interference.

5. Having regard to the facts and circumstances of the case, and for the reasons mentioned herein above, I find that there is no merit in the present writ petition, hence the writ petition is dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

NAFR	NAFR
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