

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19621 of 2015

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Maheshwar Prasad Sah son of Shri Laxmi Prasad Sah Resident of Mohalla - Bus
Stand, Madhepura, Police Station - Madhepura, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner/Secretary, Department of Forest and Environment, Government of Bihar, Patna.
2. The Chief Conservator of Forest Department, Bhagalpur.
3. The Divisional Forest Officer, Forest Extension, Saharsa.
4. The Divisional Forest Officer, Forest Extension, Madhepura.
5. The Chief Conservator of Forest Department, Government of Bihar, Patna.
6. The District Forest Officer, Saharsa.
7. The District Forest Appellate Authority cum Forest Officer, Purnia.
8. Shri Umesh Prasad Sah son of Shri Laxmi Prasad Sah Resident of Mohalla - Bus Stand, Madhepura, Police Station - Madhepura, District - Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate
		Mr. Raja Surendra Mohan, Advocate
For the State	:	Mr. Swapnil Kumar Singh, AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. Petitioner has filed the writ petition challenging the cancellation of his license under order dated 02.04.2013 bearing memo no. 738. The license of the petitioner bearing license no. 83/ 1994 has been cancelled under the said order.

3. The petitioner's case is that though he is the original licensee of the said license no. 83/ 1994, his license has been



cancelled relying upon certain facts which are incorrect. He submits that the fact that in the partition suit between the brothers saw mill has fallen in the share of his brother is not sufficient ground to cancel the license of the petitioner as he was running saw mill in the original premises since 1994. The petitioner has challenged the cancellation of his license in appeal. The appellate order is dated 20.04.2015. The Appellate Authority while deciding the petitioner's appeal in opinion of this Court has considered the entire background of the matter.

4. The appellate order has taken note of the fact that way back in the year 2004 the license no. 83/1994 was cancelled much earlier on the ground that the petitioner and his brother both were running saw mill under the very same license. It was found with reference to the records that in fact the brother of the petitioner was running second/other saw mill on a power of attorney issued by the petitioner himself. Having considered this aspect of the matter the license was cancelled in the year 2004. Petitioner had challenged the cancellation in Appeal which also was dismissed. Cancellation of petitioner's saw mill license in 2004 had attained finality.

5. The Appellate Authority has taken note of the fact that running of the saw mill after its cancellation in the year 2004 was without any valid license. Considering the aforesaid facts, the Appellate Authority has refused to interfere with the cancellation



order dated 02.04.2013 bearing Memo no. 738 even though the same does not take note of the earlier cancellation of the license in the year 2004.

6. The Appellate Authority has also taken note of the fact that the petitioner while approaching the Appellate Authority has suppressed the fact of cancellation of his license earlier in the year 2004.

7. This Court does not find any reason to interfere with the order passed by the Appellate Authority in the appeal filed by the petitioner. No case is made out.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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