

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7198 of 2016

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M/s Laxmi Saw Mills, Son of Late Ogendra Sah, Resident of Ward No. 1,
Raxaul, P.S. Raxaul, District-East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna
3. The Conservator of Forest, Siwan Circle, Siwan
4. The Licensing Officer-cum-Divisional Forest Officer, Motihari Forest Division, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. N.P. Yadav, SC-23, Mr. Vijaya Laxmi
Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 16-04-2019

Heard learned counsel for the petitioner and the State.

1. Learned counsel for the petitioner submits that earlier this Hon'ble Court has passed an order in L.P.A. No. 1216 of 2015, directing the licensing authority to give an opportunity to petitioner to represent his case and shall also indicate the basis on which the list of selected saw mills was prepared. In case the petitioner was not found to have violated any provisions of law, he shall be granted renewal without any delay. Till such time, the petitioner shall be entitled to run the mills, duly following the relevant provisions of law and conditions of license.

2. Counsel for petitioner submits that in compliance of aforesaid order he filed representation before Licensing Authority as contained in Annexure-4 and also applied for renewal of license along with relevant fees. The petitioner made application for renewal of the license for the year 2016



vide Annexure-5. The licensing authority has passed order vide Annexure-6, which is totally vague order. The licensing authority has not considered the case of the petitioner in terms of the directions given by this Hon'ble court in L.P.A. No. 1216 of 2015.

3. Counter affidavit has been filed on behalf of the State, stating therein that since the name of the petitioner was not appearing in seniority list, therefore, his license was not renewed.

4. Learned counsel for the respondent has submitted in paragraph 14 of the counter affidavit that license of this petitioner was issued in the year 1999.

5. Learned counsel for the petitioner submits that this petitioner purchased Saw Mill from Kapildeo Prasad in 1999 and thereby obtained a license in his name in the year 1999. License of the saw mill of the petitioner was cancelled vide order no. 3796 dated 28.12.1999 by the licensing authority under the instruction of Superior authority because this petitioner has not submitted this fact that Ms. Laxmi Saw Mill was granted saw mill license in 1985 in the name of Kapildeo Prasad son of Girdhari Prasad.

6. It is also mentioned in the counter affidavit in para 21 that petitioner in compliance of the order passed in L.P.A. No. 1216 of 2015 by this Hon'ble Court, has been heard but he could not submit document for renewal of the license of the year 2000-2011 and also did not give satisfactory reply about the ownership and other relevant documents regarding purchase of the unit and cancellation of the license.

7. In reply to aforesaid statement counsel for petitioner has pointed out at Annexure-1 by which his license was already renewed by the licensing authority for the year 2012 dated 31.01.2012.



Thereafter, he has applied for renewal of the license for subsequent year which has been kept pending.

8. He has also submitted that Hon'ble Court has given specific direction to licensing authority to consider the case of petitioner on the basis whether there is violation on their part of any provisions of the law after grant of the license. The Hon'ble Court was not satisfied with the reason assigned by the licensing authority for refusal of the renewal of license on the ground that name of the petitioner does not figure in the seniority list.

9. This court after looking into impugned orders find that aforesaid order has not been passed in proper compliance of the order of this court. The petitioner has asserted that he was granted license in the year 1999 itself, after he had purchased the saw mill from Kapildeo Prasad.

10. Learned counsel for the petitioner submits that he has purchased the saw mill in 1999 from Kapildeo Prasad. Thereafter, the license was running in the name of the Saw Mill since 1999. It is further submitted that license was renewed on 31.01.2012 vide Annexure-4 in the name of Ms. Laxmi Saw Mill in name of this petitioner.

11. It would be apparent from Annexure-1, that the licensing authority vide Annexure-6 has failed to consider this aspect. Therefore, order which has been passed vide Annexure-6 is hereby set aside. The licensing authority is directed to pass fresh order in compliance of the order dated 07.07.2015 passed by this Hon'ble court in LPA No. 1216 of 2015 within a period of three months from the date of receipt of this order.

12. Petitioner is directed to produce all the relevant documents which shall be considered by licensing authority before passing the final order in accordance with law.



13. The licensing authority shall pass speaking order after giving opportunity of hearing to the petitioner and looking into all the documents produced by him.

14. Accordingly, this writ application is allowed with direction given above.

(Sanjay Priya, J)

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

