

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10938 of 2016

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Ram Udgar Sharma Son of Late Baue Lal Sharma, Resident of Darbhanga,
Mohalla- Harahi Tress Kameshwar Market, Station Road, Lalbagh, Police
Station- University, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman -Cum-Commissioner, Saw Mill Selection Committee,
Darbhanga Division, Darbhanga.
3. The Divisional Forest Officer, Darbhanga Division, Darbhanga.
4. The Conservative Forest Officer, Muzaffarpur, Anchal Muzaffarpur, District-
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate
For the Respondent/s : Mr. Kameshwar Kumar GP-17

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 27-06-2019

Heard learned counsel for petitioner and learned
counsel for the State.

This writ application has been filed for issuance of
appropriate writ/order/direction granting following reliefs to the
petitioner:-

(a) A Mandamus commanding the respondents for
issuance of licence of the Saw Mill to the petitioner in the name
and style of M/S Sharma Wood Saw Mill situated at
Ruhelaganj, Azam Nagar, Darbhanga.

Learned counsel for petitioner submits that his name
appears in the seniority list. He has applied for issuance of



licence of Saw Mill by depositing requisite fees etc. but the licence has not been issued in favour of petitioner. Learned counsel further submits that provisional list was prepared and published on 13.9.2010 by the Divisional Forest Officer. In the provisional list there were altogether 85 Saw Mills and the name of petitioner was at Serial No. 79. It is further submitted that petitioner filed representation before the Chairman-Commissioner (Respondent no.2) on 1.12.2010 stating therein that he applied for Saw Mill licence on 20.1.1994. He deposited the fee for the years 1994 to 2001 and also for the years 2010-11. He has also been given licence from the Industry Department and the Licence No. is 03-03.01677 dated 31.7.1985. It was also stated that he filed appeal before the Conservator Forest Officer (respondent no.4) on 17.6.2002 and the same is still pending. A prayer has been made that his seniority be upgraded in between 20-35. Photo copy of the aforesaid representation dated 1.12.2010 has been annexed as Annexure 2 to the writ application. It has further been submitted that final selection list was prepared on 4.2.2010 and it was communicated from the office of the Commissioner on 1.3.2011. In the final selection list there were altogether 77 Saw Mills and the name of the petitioner was at Serial no. 73. The



petitioner filed representation before the Commissioner on 19.4.2011 stating therein that the name of his Saw Mill figures in provisional list as well as Selection list. In provisional list his Saw Mill is at Serial No. 79 and in Selection list it is at Serial no. 73. But, in spite of it the licence of the Saw Mill has not been issued to petitioner. Therefore, a prayer has been made to issue licence for his Saw Mill. Photo copy of the aforesaid representation dated 19.4.2011 has been annexed as Annexure-4 to writ application. Learned counsel for petitioner submits that there is no justification for not issuing the licence of the Saw Mill of the petitioner when he has already filled up the form and deposited the required Bank Draft, NSC etc.

A counter affidavit has been filed on behalf of the respondent no.3 stating therein that in terms of the order of the Hon'ble Supreme Court passed in WP (c) No. 202 of 1995 and committee New Delhi State Government by resolution No. 2675 dated 30.8.2010 has fixed the number of Saw Mills in the State as 1919 and distributed this number in different Districts of this State and Darbhanga District has been allotted 69 Saw Mills. It is further submitted that by office order no. 47 dated 21.9.2012 of Principal Chief Conservator of Forest, Bihar the final seniority lists of licensed Saw Mills of Darbhanga District has



been published. As per the said list number of licensed Saw Mills in Darbhanga District is 58 in the final gradation list of Saw Mill of Darbhanga District. The name of petitioner finds place at Serial No. 73 whereas only 69 Saw Mills were required to be provided with license according to the order of the Hon'ble Apex Court. Therefore, the claim of petitioner is not tenable and sustainable. Photocopy of resolution no. 2675 dated 30.8.2010 and photo copy of office order no. 47 dated 21.9.2012 have been annexed as Annexure- A and B to the counter affidavit. Learned counsel for respondents has submitted that petitioner had earlier filed writ application vide CWJC No. 10144 of 2013 against the seniority list of Saw Mill of Darbhanga District and prayed for inclusion of his Saw Mill in the Seniority list of Saw Mills of Darbhanga District. This Hon'ble Court vide order dated 6.10.2017 has observed that so long as the licence cancellation order of the petitioner subsists, he can raise no claim for inclusion of the name in the seniority list.

Learned counsel for petitioner submits that aforesaid writ application was disposed of with observation that undisputedly the licence of the petitioner has been cancelled and no attempt has been made by the petitioner for its



restoration. So long as the licence cancellation order of the petitioner subsists, he can raise no claim for inclusion of the name in the seniority list. Learned counsel for petitioner submits that in terms of the aforesaid observation, he has filed instant writ application for restoration of his licence. He has filed detailed representation before respondent no. 2 dated 19.4.2011 as contained in Annexure-4 which is still pending.

In such circumstances, the writ application is disposed off with direction to respondent no.2 to dispose of the representation dated 19.4.2011 as contained in Annexure-4, filed on behalf of petitioner, in accordance with law, after affording proper opportunity of hearing to the petitioner and looking into all the relevant documents filed by petitioner within a period of two months from the date of receipt of copy of this order.

The writ application is accordingly disposed off.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.7.2019
Transmission Date	

