

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12689 of 2016

M/s Mahi Furniture, Purushotampur-Nisarpura, P.S.-Naubatpur, District-Patna, a proprietorship firm through its Proprietor, Kamlesh Kumar, son of Sri Yogeshwar Sharma, resident of Village- Purushotampur- Nisarpura, P.S. Naubatpur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Divisional Forest Officer, Patna Forest Division, Patna
4. The Forester, Phulwarisharif, District-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. S. K. Mandal, SC-24

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 19-04-2019

Prayer has been made to issue writ of mandamus directing the respondents to ensure the opening of 18” diameter of circular and vertical Band Saw for manufacturing of furniture, which has been closed by Respondent No.4 on 08.07.2016 without giving opportunity of being heard to the petitioner as 18” diameter Saw Mill is exempted from the purview of Bihar Saw Mills (Regulation) Act, 1990 and the same has been recommended by the Central Empowered Committee vide its recommendation dated



11.06.2008 as well as Resolution bearing Memo No.3959 dated 24.12.2012.

Counter Affidavit has been filed on behalf of the State.

In Para 7 of the Counter Affidavit, it has been mentioned that Petitioner's Saw Mill has not been closed as per the report submitted by the Range Officer of Forests, Patna, vide his Letter No.1044 dated 15.11.2017. Xerox copy of Letter No.1044 dated 15.11.2017 is annexed as Annexure- A to the Counter Affidavit.

It has been mentioned in para 11 of the Counter Affidavit that in accordance with guidelines issued by the Govt. of India, amendments are to be made in Bihar Saw Mill (Regulation) Act, 1990, and Bihar Saw Mills (Regulation) Rules, 1993.

Counsel for the Petitioner submits that in similar matter a co-ordinate Bench of this Court by order dated 26.04.2013 passed in CWJC No.21755 of 2012 with CWJC No.22095 of 2012 has allowed writ applications and restrained the respondents from interfering with the running of the 18" diameter Saw Mills of the Petitioners in terms of the Resolution Dated 24.12.2012 of the State Government.

In such circumstances, this writ application is allowed with direction to the respondents to not interfere with the running of the 18" diameter Saw Mills of the Petitioner in terms of the Resolution Dated 24.12.2012 of the State Government.



This writ application is, accordingly, **allowed.**

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26-04-2019
Transmission Date	N/A

