

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.913 of 2016

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Baleshwar Prasad Sharma @ Baleshwar Sharma son of Late Ram Lakhan
Sharma R/o Village - Bajitpur, P.S. Bidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Conservator of Forest, Govt. of Bihar, Patna.
3. The Conservator of Forests, Muzaffarpur Circle, Muzaffarpur.
4. The Divisional Forest Officer-cum-Licensing Officer, Begusarai Forest
Division, Begusarai.
5. Rameshwar Sharma son of Late Ram Lakhan Sharma R/o Village - Bajitpur,
P.S. Bidyapati Nagar, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra
For the Respondent/s : Mr.Sc3-Syed Arshad Alam

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and the State.

This writ petition has been filed challenging the order dated 04.08.2012 (Annexure-8) passed by the Licensing Authority by which he has refused to transfer License No. 77 of 1995 in the name of petitioner as well as order dated 12.01.2015 (Annexure-10) passed by appellate authority in Appeal No. 02 of 2013 affirming the order dated 04.08.2012.

Learned counsel for the petitioner has submitted that Respondent No. 5, who is step-brother of petitioner, has wrongly got licence issued in his name and got the same renewed time to time. Petitioner had gone outside for some personal work. He had no knowledge about the same.

Learned counsel for the State has filed detailed Counter Affidavit stating therein that the licence was earlier issued in the



name of M/s Sharma Saw Mill showing Rameshwar Sharma as its proprietor. Thereafter licence no. 77 of 1995 was renewed year after year up to 2009. The petitioner never raised objection for the aforesaid renewal during 1993 to 2009. The petitioner did not produce any evidence before the Licensing Authority to establish that petitioner had no knowledge that his step-brother (Respondent No. 5) is operating his saw mill in his own name for such a long period.

Prayer of the petitioner has been rejected by the authority concerned on the ground that it is a matter of dispute between the two brothers for which petitioner has already filed a suit.

This Court does not find any illegality in the order dated 04.08.2012 passed by the Licensing Authority and the order dated 12.01.2015 passed by the appellate authority.

Original licence has been issued in the name of M/s Sharma Saw Mill.

This Court is not inclined to interfere with the aforesaid orders.

This writ petition is accordingly dismissed.

(Sanjay Priya, J)

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