

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3812 of 2016

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M/s Star Saw Mill through Proprietor Tquee Ahmad Khan, s/o Samsul Ahmad Khan, R/o village- Chak Lallu, P.S.- Mehsi, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar, Patna.
2. The Principal Chief Conservator of the Forest, Bihar, Patna.
3. The Regional Conservator of the Forest, Muzaffarpur.
4. The Commissioner, Tirhut Division, Muzaffarpur, District Muzaffarpur.
5. The Conservator of Forest, Siwan, Distt. - Siwan.
6. The Divisional Forest Officer, Motihari, Forest Division cum Licensing Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Mr. Hrish Chandra Patel, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date : 21-02-2019

Counsel for the petitioner submits that order as contained in Annexure-7 is non speaking order. He submits that license of the petitioner was renewed vide Annexure-1 and Annexure-4 on 06.11.1999 and 30.12.2011, but his Saw Mill was not included in seniority list in compliance of order of Hon'ble Supreme Court in WP (C) 202 of 1995. The petitioner filed necessary application for renewal of his license with required fee of rupees one thousand for the year 2012 and 2013, but no order has been passed. Subsequently, the petitioner also deposited renewal fee for the year



2014 along with Bank Draft No.837346 dated 15.11.2014, but no order has been passed by the licensing authority.

The petitioner submits that in pursuance of Annexure-3, petitioner's name should be included in the seniority list prepared by Constituted Committee in terms of Clause 1(ii) of the letter dated 30.08.2010 issued by the Principal Secretary, Forest Department. Name of the petitioner has not been included in the seniority list illegally. The petitioner filed objection on 27.09.2010 before the DFO for inclusion of his name in the seniority list, but no order has been passed.

Counsel for the petitioner has relied on a judgment passed by Division Bench of this Court in LPA No.1216 of 2015, wherein, it has been held that there cannot be any unilateral preparation of select list and denial of license on that basis.

Counsel for the petitioner further submits that in the light of aforesaid order this Court has given necessary direction vide judgment dated 07.01.2019 passed in CWJC No.14451 of 2015 in the case of **M/s Kiran Saw Mill Vs. The State of Bihar and ors..**

In view of such, this Court sets aside the order as contained in Annexure-7, which is a non-speaking order.

This Court directs the competent authority to pass fresh order in accordance with law after taking into consideration the



direction of this Court given in LPA No.1216 of 2015 and the circular issued vide Memo No.2675 dated 30.08.2010 (Annexure-2) after giving opportunity of hearing to petitioner and looking into relevant documents produced by the petitioner. The competent authority will pass appropriate order in accordance with law within a period of three months from the date of receipt of the order.

This writ application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28-02-2019
Transmission Date	N/A

