

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5171 of 2016

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1. M/s Patel Saw Mill, Umairabad, P.S. - Arwal, Distt. Arwal, a partnership firm through its proprietor Dwarika Mistri, son of late Kameshwar Mistri, Resident of Village- Umairabad, P.S- Arwal, District- Arwal.
 2. RAGHUBAR SINGH, Son of late Harihar Nath Singh, resident of Village- Belarhi, P.S- Daudnagar, District- Aurangabad- partner of M/s Patel Saw Mill, Umairabad, P.S.- Arwal, District- Arwal.

... .. 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, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. THE LICENSING OFFICER-CUM-DIVISIONAL FOREST OFFICER, Aurangabad Forest Division, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate.
For the Respondent/s : Mr.Gyan Prakash Ojha- GP-22

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 03-04-2019

Petitioner has challenged the order dated 20.11.2015 bearing Memo No. 49 dated 8.1.2016 as contained in Annexure-10 by which licence of the petitioner No. 45 of 1997 has been cancelled by Licensing Officer-cum-Divisional Forest Officer, Aurangabad, Forest Division, Aurangabad, vide Memo No. 49 dated 8.1.2016 under Section 7 (5) of the Bihar Saw Mills (Regulation) Act, 1990.

Heard Mr. Vinay Mistry, counsel for the petitioner and Mr. Gyan Prakash Ojha, GP-22 counsel appearing on behalf of the State.



Counter affidavit has been filed on behalf of the State.

Counsel for the State submits that there is specific provision under Section 12 of Bihar Saw Mills (Regulation) Act, 1990 to file Appeal before the Appellate Authority.

In such circumstances, without giving any opinion on merit of impugned order, this writ petition is disposed off with direction to the petitioner to file Appeal before the Appellate Authority within a period of one month from the date of this order. The Appellate Authority will dispose of the Appeal in accordance with law within a period of three months from the date of filing of Appeal without being prejudiced by this order on its own merit after giving opportunity of hearing to the petitioner and looking into all the relevant documents filed by the petitioner.

The limitation, if any, in filing Appeal, will be condoned by the Appellate Authority since the petitioner was pursuing the remedy before this Hon'ble Court.

This writ petition is accordingly disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08/04/2019
Transmission Date	

