

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6360 of 2016

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Hareram Prasad son of Late Tarkeshwar Sah, resident of Village Saraiyan,
P.S. Krishnagarh, Dist- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Environment and Forest,
Patna
2. The Principal Chief Conservator of Forest, Patna, Bihar.
3. Conservator of Forest Aranya Bhawan Near Shekhpura More, Patna.
4. The Divisional Forest Officer-Cum-Licensing Authority, Ara, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha

For the Respondent/s : Mr. Sunil Kumar, AC to G.P.-11

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 12-04-2019

Heard the learned counsel for the petitioner and the State.

The instant writ petition has been filed for issuance of appropriate writ in the nature of mandamus directing the respondents to allow the operations of petitioner's Saw Mill as well as grant of license under Provision of Section 5(B) of the Bihar Saw Mill (Regulation) Act, 1990.

Learned counsel for the petitioner has submitted that petitioner has deposited draft of Rs. 1,000/- after receiving notice from the District Forest Officer, Bhojpur dated 02.09.1996 (as contained in Annexure-1) by which he was directed to apply for license for running a Saw Mill.



Learned counsel for the petitioner has submitted that after submission of demand draft, no order was passed and it will be deemed in terms of Section 5(B) of the Bihar Saw Mill (Regulation) Act, 1990 that petitioner was granted license under the Act and he was operating the Saw Mill.

Learned counsel for the respondents has filed Counter Affidavit wherein it is mentioned in para 20 and 27 of the Counter Affidavit that petitioner established an illegal Saw Mill of Hareram Prasad, s/o Late Tarkeshwar Sah without obtaining license as per Provision of Section 5 of the Bihar Saw Mill (Regulation) Act, 1993. Any illegal Saw Mill cannot operate without taking prior permission of Licensing Authority. The license cannot be issued to the petitioner in terms of Section 7 of the Act.

This Court finds that the District Forest Officer, Bhojpur had issued notice to the father of petitioner (as contained in Annexure-1) that he is running his Saw Mill illegally without any valid license. He was directed to get the Saw Mill registered after obtaining necessary license in necessary form.

Learned counsel for the petitioner has submitted that thereafter father of petitioner deposited the bank draft of Rs. 1,000/- along with fine of Rs. 2,000/- in the office of respondent no. 4 on 19.11.1996.



From perusal of records it does not appear that any application for grant of license has been filed by the petitioner along with required demand draft, giving detail about the place, name etc. of the Saw Mill, run by the petitioner.

Learned counsel for the petitioner has submitted that after submission of demand draft it would be deemed that license of the petitioner has been renewed under the Provision of Section 5(B) of the Bihar Saw Mill (Regulation) Act, 1990, if the same was not returned within 30 days.

This Court is not satisfied with the submission of the petitioner. Annexure-2 does not satisfy this Court that proper application was filed for grant of license by the petitioner in proper form as required under the Act. The draft was deposited in the name of Divisional Forest Officer.

Therefore, this Court does not find any merit in this writ petition.

The instant writ petition is accordingly dismissed.

(Sanjay Priya, J)

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AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	24.04.2019
Transmission Date	

