

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9839 of 2016

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M/s Mirtunjay Furniture Works, Baruna, P.S.-Narayanpur, District- Bhojpur, a proprietorship firm through its Proprietor Mirtunjay Kumar Sharma, son of Sri Yogendra Sharma, resident of village- Baruna, P.S. Narayanpur, District- Bhojpur.

... .. 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, Bhojpur Forest Division, Ara.
4. The Ranger, Forest Range, Piro, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Aditya Nath Jha, SC-18

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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 09.05.2016 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.

Counsel for the State has mentioned that Range Officer of Forests, Piro (Respondent No.4) was asked to submit his report regarding closure of Saw Mill of the Petitioner on 09.05.2016. The Respondent No.4 has informed by his Letter No.459 dated 09.11.2016 that no action has been taken on 09.05.2016 against any Saw Mill of the Petitioner. Xerox copy of Letter No.459 dated 09.11.2016 is annexed as Annexure- R-1 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. In the instant case also, the Petitioners may be directed to establish and operate the Saw Mill for his furniture unit in terms of guidelines issued by the Govt. of India.

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

