

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7556 of 2019

1. Bindi Mistri Son of Manki Mistri Resident of Village- Sevaichak, P.S. Dobhi, District- Gaya.
2. Haridwar Mistri Son of late Jageshwar Mistri Resident of Village- Kothwara, P.S. Dobhi, District- Gaya.
3. Sagar Malakar Son of Sri Jhari Malakar Resident of Village- Manpur Kumhartoli, P.S. Mufassil, District- Gaya.
4. Birendra Prasad Son of late Narayan Prasad Resident of Village- Raniganj Imamganj, P.S. Imamganj, District-Gaya.
5. Birendra Kumar Son of late Rambriksha Singh Resident of Mohalla- Gopalpur Sherghati, P.S. Sherghati, District- Gaya.
6. Arvind Kumar Singh Son of late Rambriksha Singh Resident of Mohalla- Gopalpur Sherghati, P.S. Sherghati, District- Gaya.
7. Ashok Sharma Son of Saryu Sharma Resident of Village- Gurua, P.S. Gurua, District- Gaya.
8. Shailesh Kumar Sharma Son of Rajendra Kumar Sharma Resident of Village-Konch, P.S. Konch, District- Gaya.
9. Ram Vilash Vishwakarma Son of late Raghuna Prasad Resident of Village- Manjhar, P.S. Gurua, District- Gaya.
10. Dharmendra Kumar Sharma Son of Sri Ram Pravesh Sharma Resident of Village- Belharia More, Tekari, P.S. Tekari, District- Gaya.
11. Ganesh Sharma Son of late Raghunandan Sharma Resident of New Dilia Dehri On Sone, P.S. Dehri On Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest -Cum-Chairman of State Level Committee for Wood Based Industries, Bihar, Patna.
3. The Licensing Officer-Cum-Divisional Forest Officer, Gaya, Forest Division, Gaya.
4. The Licensing Officer-Cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry
For the Respondent/s : Mr. Raghwanand (Ga11)
Mr. Sanjay Kr. Tiwari, AC to GA 11

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 11-04-2019



Heard the learned counsel for the petitioners and the State.

The instant writ petition has been filed for issuance of appropriate writ directing Respondent No. 2 (Chairman of State Level Committee for Wood based industries, Bihar) to dispose off petitions dated 29.12.2016, 11.01.2017 and 23.01.2017 respectively (Annexure-3 series) filed by the petitioners for grant of license under Bihar Saw Mills (Regulation) Act, 1990 in terms of order dated 05.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995 as the State of Bihar vide Memo No. 406 dated 03.12.2015 has already constituted State Level Committee under the Chairmanship of the Principal Chief Conservator of Forest, Bihar.

Learned counsel for the petitioners has submitted that petitioners, in terms of Bihar Saw Mills (Regulation), 1993, applied for grant of license on 16.08.2002 and on different dates as mentioned in para 6 of the writ petition. Petitioners were selected in the seniority list of Saw Mills within the district of Gaya at different serial numbers as mentioned in the aforesaid para 6 of writ petition.

It is further submitted that Department of Environment and Forest, Government of Bihar again came out with Resolution No. 76/2007-2675 dated 30.08.2010 on the basis of recommendations of CEC dated 11.06.2009 as well as order of Hon'ble Supreme Court dated 04.09.2009 whereby detailed guidelines were provided in para



3(i) with regard to preparation of seniority list of Saw Mills and with regard to closure of excess Saw Mills. In terms thereof final seniority list of 83 Saw Mills within the district of Gaya and the seniority list of 60 Saw Mills within the district of Rohtas was finalized by the Selection Committee for grant of license in terms of Resolution No. 76 of 2007-2675 dated 30.08.2010 of the Department of Environment and Forest, Govt. of Bihar. Later on interim recommendation was made by the Central Empowered Committee on 09.03.2012. The aforesaid interim report was placed by the CEC before the Hon'ble Supreme Court for consideration and for passing appropriate order in the matter. The same was approved by the Hon'ble Supreme Court vide order dated 30.03.2012 and the State of Bihar was directed to make fresh seniority list of Saw Mills, Veneer Mills and Plywood Industries.

It has been submitted that the Department of Environment and Forest, Govt. of Bihar again came out with Resolution No. 2563 dated 16.08.2012 allegedly with the recommendations of CEC dated 09.03.2012 as well as the order of the Hon'ble Supreme Court dated 30.03.2012 whereby it has been stated in Clause (i) that the Saw Mills, which have not been granted license under the Bihar Saw Mills (Regulation) Act, 1990, be removed from the final seniority list of Saw Mills. In terms thereof a revised seniority list of 63 Saw Mills of Gaya District and 49 Saw Mills of Rohtas District was published



by the Principal Chief Conservator of Forest vide Memo No. 2109 dated 24.09.2012.

Learned counsel for the petitioners has further submitted that various Saw Mill owners filed Interlocutory Application in I.A. No. 3658-3659 of 2013 before the Hon'ble Supreme Court praying therein to direct the Licensing Officer to grant new Saw Mills license under the Bihar Saw Mills (Regulation) Act, 1990. The various I.A. applications were taken up and after hearing the parties, Hon'ble Supreme Court was pleased to dispose off those applications vide order dated 05.10.2015. The State of Bihar pursuant thereto constituted State Level Committee under the Chairmanship of Principal Chief Conservator of Forest, Bihar for grant of license/permission to the wood based industries vide Memo No. 406 dated 31.12.2015.

The petitioner and others were directed by the State Level Committee to file six copies of the petitions for grant of license in terms of order dated 05.10.2015 passed by the Hon'ble Supreme Court. Accordingly, the petitioners filed their detailed petitions before Respondent No. 2 on 29.12.2016, 11.01.2017 and 23.01.2017 respectively requesting him to direct the Licensing Officer to grant license to them. It has been further submitted that neither the date of hearing on the aforesaid petitions has been fixed nor any decision has been taken by Respondent No. 2 for grant of license in terms of order



dated 05.10.2015 passed by the Hon'ble Supreme Court. Aforesaid petitions are still pending for consideration after lapse of more than one year.

In such circumstances, this writ petition is disposed off with direction to Respondent No. 2 to pass appropriate order on the pending petitions filed on behalf of petitioners as contained in Annexurs-3 series for grant of license in accordance with law within three months from the date of receipt/production of this order after giving proper opportunity of hearing to the petitioners and looking into all the relevant documents filed by them.

This writ petition is accordingly disposed off.

(Sanjay Priya, J)

Rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	19.04.2019
Transmission Date	

