

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1752 of 2016

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M/s Pandav Saw Mill, Godna More, Gautam Asthan, P.S. Rivilganj, District- Saran a partnership firm through its power of Attorney Holder Santosh Kumar Singh son of Sri Brij Nandan Singh, resident of Village- Godna More, Gautam Asthan, P.S.- Rivilganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal 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, Saran Forest Division, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.
For the Respondent/s : Mr. Madanjeet Kumar- GP20

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 19-02-2019

Heard learned counsel for petitioner and learned counsel for the State.

The petitioner has filed this writ petition seeking following relief:

(i) For issuance of a writ in the nature of Mandamus directing the respondents to renew the license of the petitioner in terms of order dated 8.1.2010 passed in CWJC No. 15602 of 2009 as well as in terms of the letter of PCCF vide letter no. 2185 dated 9.9.2011 for which the applications for renewal of the license for various years are still pending for consideration.

Learned counsel for petitioner submits that in term of the



earlier directions/observations dated 8.1.2010 passed by this Hon'ble Court in CWJC No. 15602 of 2009 and other analogous writ petitions, the petitioner has filed application before the Divisional Forest Officer, Saran Forest Division, Chapra for renewal of license bearing License no. 313 of 1995 as contained in Annexure-4. But no any final order has been passed by competent authority on the aforesaid petition till date.

Counter affidavit has been filed on behalf of the State mentioning in paragraph no. 28 that in compliance of Environment and Forest Dept. Government of Bihar letter no. 3673 dated 20.10.2013 license no. 313/Sa. Pra/95 has been canceled due to violation of Section 7(5) of the Act 1990 by the licence holder. Photo copy of letter no 3673 dated 22.10.2013 and section 7(5)(a) of the Act, 1990 have been annexed as Annexure(s)-O and P to the counter affidavit.

This Court from perusal of Annexure(s) 'O' and 'P' finds that there is no any final order passed by the appellate authority with regard to the representation filed by the petitioner for renewal of his license as contained in Annexure-4. It further appears that there is no mention in Annexure O and P that earlier license granted to the petitioner vide License No. 313 of 1995



has been cancelled.

Therefore, this Court direct the competent authority to pass final order on Annexure-4 which has been submitted by the petitioner for renewal of his license in terms of the observation made by this Hon'ble Court in C.W.J.C. no. 15602 of 2009 and other analogous cases by affording opportunity of personal hearing to petitioner within a period of three months from the date of receipt of copy of this order.

The writ application is disposed of with direction made above.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	2.3.2019
Transmission Date	

