

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2443 of 2016

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M/s Sadre Furniture, Sakri P.S. Sakri, Dist. Madhubani, a proprietorship firm through its proprietor Shakeel Ahmad son of Late Haroon Resident of Village- Sakri, P.S Sakri, District Madhubani.

... .. 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, Patna.
3. The Conservator of Forest , Muzaffarpur Circle, Muzaffarpur.
4. The Divisional Forest Officer, Mithila Forest Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistary
For the Respondent/s : Mr. Madanjeet Kumar, GP20

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 26-02-2019

Heard learned counsel for petitioner and the State.

The petitioner has filed the instant writ petition seeking the following reliefs:-

- (i) For issuance of writ in the nature of Mandamus directing the respondents to decide the objection petition dated 4.9.2012 (Annexure 8) filed by the petitioner before the Principal Chief Conservator of Forest, Bihar, Patna in terms of the recommendation of CEC dated 9.3.2012 as well as in terms of the Resolution no. 2563 dated 16.8.2012



issued by the Department of Environment & Forest, Government of Bihar, Patna as the aforesaid objection petition has not yet been decided by the PCCF, Bihar.

(ii) For issuance of writ in the nature of Mandamus directing the respondent no.4 to grant new Saw Mill license to the petitioner on the basis of the application for grant of license dated 11.1.1997 (Annexure 1) filed by him in accordance with the provisions of the Bihar Saw Mills (Regulation) Act, 1990 and the rules framed thereunder.

Learned counsel for the petitioner submits that State Government brought in separate enactment to regulate the saw mills and the Government of Bihar enacted Bihar Saw Mills (Regulation) Act, 1990 and in terms thereof Bihar Saw Mills (Regulation) Rules, 1993 were framed and the same came into effect on 4.9.1993. In terms thereof, the petitioner applied for grant of license under Bihar Saw Mills (Regulation) Rules, 1993 on 11.1.1997 along with adequate fee and the same is still pending for consideration before the Licensing Officer. The



copy of the application for grant of license dated 11.1.1997 has been annexed as Annexure-1 to this writ petition. Learned counsel for petitioner has further submitted that security money of Rs. 2000/- has been deposited with the aforesaid application which is evident from the letter no. 105 dated 19.9.1997 issued by the Forest Range Officer, Madhubani Range, Madhubani. Copy of letter no. 105 dated 19.9.1997 has been annexed as Annexure-2 to the writ petition. The petitioner subsequently applied for renewal of license for the year 1998 to 2004 and the same has not been refused. Learned counsel for petitioner submits that petitioner is deemed to be the licensee under Section 5(B) of the Bihar Saw Mill (Regulation) Act, 1990.

Learned counsel for petitioner further submits that CEC constituted by the order of Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995 has made its observations and recommendation from time to time to the State of Bihar. The CEC had made its recommendation dated 11.6.2008 whereby the State of Bihar was granted permission to run 1919 Saw Mills. The State was directed to make a fresh seniority list of Saw Mills District wise. CEC had stated in paragraph IV in its recommendation that the final seniority list should be prepared after considering the objections received from the



concerned units and giving them opportunity of personal hearing. It is submitted that subsequently the recommendation of CEC dated 11.6.2008 was accepted by the Hon'ble Supreme Court vide its order dated 4.9.2009 and the State of Bihar was directed to make seniority list of wood based industries as suggested by the CEC. Subsequently, the Department of Environment and Forest, Govt. of Bihar again came out with Resolution no. 76/2007-2675 dated 30.8.2010 as per recommendations of CEC dated 11.6.2008 as well as the order of Hon'ble Supreme Court dated 4.9.2009, whereby detailed guidelines were provided with regard to preparation of Seniority list of wood based units and with regard to the closure of excess wood based units. Pursuant thereto a provisional list of Saw Mill within the District of Madhubani was finalized by the respondent no.4 and Saw Mill of petitioner was not included in the same. Therefore, objection was filed by the petitioner on 29.9.2010 against the provisional seniority list stating therein to include his name in the same, and to grant new Saw Mill license to him, but the same was not considered by the respondents. It is further submitted that seniority list of Saw Mills was finalized by the State of Bihar District wise but the same was contrary to the recommendations of CEC dated



11.6.2008 and therefore the seniority list of various districts were challenged by the various Saw Mill owners before the CEC and thereafter interim observations and recommendations were made by the CEC on 9.3.2012, in which a detailed guidelines were provided with regard to the preparation of seniority list of Saw Mills, Plywood and Veneer Units. True copy of interim report of CEC dated 9.3.2012 has been annexed as Annexure-5 to the writ petition. The aforesaid interim report had been placed by the CEC before the Hon'ble Supreme Court for consideration and pass appropriate order in the matter and the same was approved by the Hon'ble Supreme Court vide its order dated 30.3.2012 and the State of Bihar was directed to make fresh seniority list of Saw Mills, Plywood Pasting Units and Plywood Industries within six months and report compliance. The State of Bihar was required to hear all the affected parties before finalization of the seniority list. The copy of the order dated 30.3.2012 passed by the Hon'ble Supreme Court has been annexed as Annexure-6 to writ petition. The Department of Environment and Forest Govt. of Bihar came out with Resolution no. 2563 dated 16.8.2012 in terms of the recommendations of CEC dated 9.3.2012 as well as the order of the Hon'ble Supreme Court dated 30.3.2012 whereby



the guidelines were provided with regard to preparation of seniority list of Saw Mills, Plywood Industries and Veneer Mills in the State of Bihar. True copy of Resolution no. 2563 dated 16.8.2012 has been annexed as Annexure -7 to writ petition. Pursuant thereto notice was published by the Principal Chief Conservator of Forest, Bihar, Patna in daily Hindi news paper “Hindustan” on 24.8.2012 whereby the Saw Mill owners have been asked to file their objection on or before 5.9.2012. Learned counsel submits that in terms of the aforesaid notice the petitioner filed his objection petition before the respondent no. 2 on 4.9.2012 requesting therein to include the name of petitioner in the same and to grant Saw Mill license keeping in view the application for grant of license dated 11.1.1997 but the same is still pending for consideration. True copy of objection petition dated 4.9.2012 filed by petitioner has been annexed as Annexure-8 to the writ petition.

Learned counsel for the State submits that he has no objection in directing the respondent no.2 to dispose of the objection petition dated 4.9.2012, filed by petitioner.

In such circumstances, this petition is disposed off with direction to respondent no.2 to pass final order on the objection petition dated 4.9.2012 filed by the petitioner as



contained in Annexure 8 to the writ petition, within a period of three months from the date of receipt of this order in accordance with law after affording proper opportunity of hearing to the petitioner and looking into all the relevant documents filed by the petitioner.

The writ application is, accordingly, disposed off.

(Sanjay Priya, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	6.3.2019
Transmission Date	

