

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12091 of 2019

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Md. Israil, S/o Late Md. Ibrahim, resident of village- Sisauna, Zero Mile
Araria, P.S.- Araria, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
2. The Chairman of State Level Committee for Wood-based Industries -cum- Principal Chief Conservator of Forest, Bihar, Patna.
3. The Licensing Officer-cum-Divisional Forest Officer Araria, Forest Division, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, AAG-13, Ms. Sunita Kumari, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 20-06-2019

Heard learned counsel for the petitioner and learned AAG
appearing on behalf of the State.

2. Petitioner is Proprietor of M/s Bihar Saw Mill, Sisauna, Zero Mile, Araria, P.S.-Araria, District- Araria. He had applied for grant of license under Bihar Saw Mills (Regulation) Rules, 1993, on 03.01.1997. After making enquiry, the Licensing Officer was pleased to grant license to the petitioner bearing License No.09 of 1997. License of the petitioner was renewed up to 2004, but the renewal was not done from 2005 till date on the ground of guidelines framed by the State Government from time to time on the basis of recommendation of the CEC as well as the various orders of the Hon'ble Supreme Court.



3. The petitioner filed an application for renewal of the license for the year 2005 and onward and the same was duly accepted by the Licensing Officer, but no final order has been passed on the aforesaid application filed by the petitioner. Xerox copy of the application for grant of license dated 03.01.1997 and the License No.09 of 1997 is annexed as Annexure- P/1.

4. Counsel for the petitioner has submitted that the State of Bihar vide Notification No.769 dated 28.02.2017 has constituted State Level Committee under the Chairmanship of Principal Chief Conservator of Forests, Bihar, regarding grant of license/permission to the wood-based industries. Xerox copy of the Notification No.769 dated 28.02.2017 is annexed as Annexure- P/3 to the writ application.

5. Thereafter, the petitioner filed application before the State Level Committee on 25.03.2017 in terms thereof making request to grant approval to the Licensing Officer to renew his license bearing License No.09 of 1997 in terms of the Wood-based Industries (Establishment & Regulation) Guidelines, 2016, wherein, it has been provided under Clause-8 that no license to a wood-based industrial unit shall be granted or renewed without obtaining prior approval of the State Level Committee. Xerox copy of the representation dated 25.03.2017 filed before State Level Committee is enclosed as Annexure- P/4.



6. Since neither date of hearing on the aforesaid petition has been fixed nor any decision has been taken by the Respondent No.2 for renewal of license in terms of the Guidelines, 2016, framed by the Government of India, in terms of the order dated 05.10.2015 passed by the Hon'ble Supreme Court, the aforesaid application is still pending for consideration after lapse of more than one year.

7. Counsel for the petitioner submits that necessary directions be given to Respondent No.2 to dispose off the said representation of the petitioner within a fixed period.

8. In view of such, this writ application is disposed off with direction to Respondent No.2 to dispose of the representation filed by petitioner (Annexure- P/4) dated 25.03.2017 within a period of two months from the date of receipt/ production of a copy of this order after giving due opportunity of hearing to the petitioner and looking into all the documents produced by the petitioner. The Respondent No.2 will pass speaking order in accordance with law after hearing the parties.

9. This writ application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-06-2019
Transmission Date	N/A

