

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22193 of 2018

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1. Mittal Kumar Sharma, Son of late Bindu Sharma, resident of village- Tikri Road, Sahpur, P.S. Aurangabad, District- Aurangabad.
 2. Ramjit Sharma, son of Sri Sheo Sharma, resident of village- Janakpur, P.S. Nabinagar, District- Aurangabad.
 3. Ramchandra Sharma, son of late Janki Sharma, resident of village- Khiriawan More Madanpur, P.S. Madanpur, District- Aurangabad.
 4. Janeshwar Prasad, son of late Rambilash Ram, resident of village- Baroon, P.S. Baroon, District- Aurangabad.
 5. Kaisar Neyazi son of Md. Ishaque, resident of L.P. Sinha Road, Bratpur, P.S. Aurangabad, District- Aurangabad.
 6. Pinki Vishwakarma, wife of Manoj Vishwakarma, resident of village- Kumhar Toli, Rajauli, P.S. Rajauli, District- Nawada.
 7. Sarita Devi, wife of late Jagdish Prasad, resident of village- Bhagwanpur, P.S. Pakribarawan, District- Nawada.
 8. Santosh Kumar Singh, son of Yadu Nandan Singh, resident of village- Makhdoompur, P.S. Arwal, District- Arwal.

... .. 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-Cum-Chairman of State Level Committee for Wood -Based Industries, Bihar, Patna.
3. The Licensing Officer-Cum-Divisional Forest Officer, Aurangabad Forest Division, Aurangabad.
4. The Licensing Officer-Cum-Divisional Forest Officer, Nawada Forest Division, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Loresh Kumar Singh, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 14-02-2019

The Petitioners have filed this writ petition for issuing writ of Mandamus directing Respondent No.2 (Chairman of State Level Committee for wood based Industries, Bihar) to dispose of petitions dated 23.01.2017 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.

2. It is submitted that the Petitioners in terms of Bihar Saw Mills (Regulation) Act, 1993, have applied for grant of license on 04.07.1997, 18.06.1997, 26.06.1997, 02.07.1997 and 31.07.2002 respectively and the applications are still pending for consideration.

3. Counsel for the Petitioners submits that pursuant to the order of the Hon'ble Supreme Court in Writ Petition (Civil) No.202 of 1995, the State of Bihar vide Memo No.406 dated 31.12.2015 has constituted State Level Committee under the Chairmanship of Principal Chief Conservator of Forest, Bihar, for grant of license/permission to the wood-based industries. True copy of the Memo No.406 dated 31.12.2015 is enclosed as Annexure- P/2.

4. The Petitioners and others were directed by the State Level Committee to file six copies of the petition(s) for grant of license in terms of the order dated 05.10.2015 passed by the Hon'ble Supreme Court and, accordingly, the Petitioners filed



detailed petitions before the Respondent No.2 on 23.01.2017 requesting him to direct the Licensing Officer to grant license to the Petitioners. True copy of the petitions dated 23.01.2017 is enclosed as Annexure- P/3.

5. Aforesaid petitions are still pending for consideration after lapse of more than one year because neither the date of hearing on the aforesaid petitions has been fixed nor any decision has been taken by the Respondent No.2 for grant of license in terms of the order dated 05.10.2015 passed by the Hon'ble Supreme Court.

6. In view of such, this writ application is disposed off with direction to the Respondent No.2 (The Principal Chief Conservator of Forest-cum- Chairman of State Level Committee for wood-based Industries, Bihar, Patna) to look into the contention raised by the Petitioners in the aforesaid petitions as contained in Annexure-3 series and after giving proper opportunity of hearing to the Petitioners and after relying on relevant documents dispose off the same within a period of three months from the date of communication of this order.

7. In the meanwhile, the Respondent No.2 (The Principal Chief Conservator of Forest-cum- Chairman of State Level Committee for wood-based Industries, Bihar, Patna) will not



take any coercive step against the Petitioners till final decision is made on the petitions filed by the Petitioners.

8. This writ application is, accordingly, disposed off.
9. Let this order be communicated to the Respondent No.2 (The Principal Chief Conservator of Forest-cum- Chairman of State Level Committee for wood-based Industries, Bihar, Patna) for proper compliance.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20-02-2019
Transmission Date	N/A

