

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14540 of 2015

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M/s Choudhary Saw Mill through Proprietor Nagendra Prasad Choudhary@
N.K. Chaudhary S/o late Suraj Prasad Choudhary R/o Village+P.s -Dhaka,
District East Champaran Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department ,Govt. of Bihar,Patna,.
2. The Principal chief Conservator of Forest ,Bihar Patna.
3. The Regional Conservator of Forest Muzaffarpur.
4. The Commissioner tirhut Division Muzaffarpur, District Muzaffarpur.
5. The Conservator of Forest Siwan,dist Siwan.
6. The Divisional Forest Officer. Motihari Forest Division Cum Licensing Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.A.Ujjwal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 07-01-2019

Heard the learned counsel for the petitioner and the State.

2. This writ petition has been filed for quashing letter Memo No. 393 dated 13.03.2015, which is annexed as Annexure-9, issued under signature of Divisional Forest Officer, Motihari, by which application of petitioner filed on 11.12.2014 for renewal of licence along with Bank draft has been returned.

3. Learned counsel for the petitioner has submitted that he was having licence for Saw Mill since 1999. Copy of aforesaid licence is annexed as Annexure-1. Impugned order dated



13.03.2015 as contained in Annexure-9 has been passed arbitrarily without considering the case of the petitioner. Therefore, the same is non-speaking order.

4. Learned counsel for the petitioner has submitted that in similar matters this Hon'ble Court in L.P.A. No. 1216 of 2015 dated 07.07.2015 has observed that *there cannot be any unilateral preparation of select list and denial of licence on that basis*. It has been observed that *the Licensing Authority shall give an opportunity to the petitioners to represent their cases and shall also indicate the basis on which the list of selected saw mills was prepared*.

5. Learned counsel for the petitioner has brought to the notice of this Court Circular No. 2675 dated 30.08.2010, which is annexed as Annexure-2, issued by Principal Secretary, Forest Department for preparation of seniority list of saw mills by modifying the earlier circular bearing no. 760 dated 13.11.2003. Criteria for fixing seniority list of saw mills has been mentioned in the aforesaid circular in Clause 2(1). The original licence granted to the petitioner vide License No. 367 of 1999 has been annexed as Annexure-1.



6. In such circumstance, the impugned order as contained in Annexure-9, which is non-speaking order, is hereby set aside.

7. The competent authority is directed to pass fresh order in accordance with law after giving opportunity to the petitioner to file representation and after proper opportunity of hearing to the petitioner. The authority will pass appropriate order within a period of three months from the date of filing of representation by the petitioner.

8. The petitioner will file his representation within two months from the date of this order.

9. This Writ Petition is, accordingly, allowed.

(Sanjay Priya, J)

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CAV DATE	N.A.
Uploading Date	
Transmission Date	

