

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14451 of 2015

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M/s Kiran Saw Mill, through Proprietor Parmanand Singh, S/o Late Ram Prasad Singh, R/o village + PO+ P.S.- Turkaulia, District East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar, Patna. null null
2. The Principle Chief Conservator of the Forest, Bihar, Patna
3. The Regional Conservator of the Forest, Muzaffarpur.
4. The Commissioner, Tirhut Division, Muzaffarpur, District Muzaffarpur.
5. The Conservator of Forest, 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.Gyan Shankar, AC to GP-2

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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 the order as contained in Annexure-6 vide letter Memo No. 395 dated 13.03.2015 passed by Divisional Forest Officer, Motihari rejecting the application of petitioner, which was filed on 28.11.2014 for renewal of licence along with Bank draft dated 11.11.2014.

3. Learned counsel for the petitioner has submitted that aforesaid order as contained in Annexure-6 vide letter



Memo No. 395 dated 13.03.2015 has been passed without giving any reason for rejection of the application for renewal of licence of the petitioner, which is non-speaking order.

4. Learned counsel for State has submitted that petitioner was granted licence in the year 1999. In terms of Rule 6 of the Bihar Saw Mills (Regulation) Rules, 1993 licence is valid for only one year. The petitioner is required to file application for renewal of licence after end of every calendar year.

5. Learned counsel for the State has submitted that in terms of Rule 4 of Bihar Saw Mills (Regulation) Rules, 1993, licence will be valid for one calendar year. Therefore, licence of the petitioner was not renewed.

6. Learned counsel for the petitioner has submitted that all the facts which have been mentioned in the counter affidavit have not been mentioned in impugned order as contained in Annexure-6, which is totally non-speaking order, wherein it is mentioned that application for renewal of licence is cancelled.

7. Learned counsel for the petitioner has submitted that on similar ground 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. The Hon'ble Court has directed the Licensing Authority to give opportunity to the petitioners to represent their cases and shall also indicate the basis on which the list of selected saw mills was prepared.

8. Learned counsel for the petitioner has submitted that this case may also be disposed off in the light of aforesaid order dated 07.07.2015. He has also pointed out 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 at paragraph 2(1).

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

10. This Writ Petition is allowed.

11. The competent authority is directed to pass fresh order in accordance with law after taking into consideration the directions given by this Court in L.P.A. No. 1216/2015 and also the criteria for fixing seniority list as mentioned in Circular dated 30.08.2010 bearing no. 2675, which is annexed as



Annexure-2. The authority will pass appropriate order within a period of three months from the date of receipt of copy of this order.

(Sanjay Priya, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	09.01.2019
Transmission Date	

