

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14565 of 2015

=====

M/s Jaiswal Saw Mills, through Proprietor Rajendra Prasad Jaiswal, S/o
Punyadeo Prasad, R/o village- Bahadurpur, P.S. Darpa, Block- Adapur,
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 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. null null
6. The Divisional Forest Officer, Motihari, Forest Division cum Licensing Officer, Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra
For the Respondent/s	:	Mr.Sunil Kr. Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

=====

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 issuance of writ
for quashing Letter No. 225 dated 19.03.2015, which is annexed as
Annexure-10, issued under signature of Divisional Forest Officer,
Motihari, by which application of petitioner filed on 18.11.2014
for renewal of licence of saw mill has been rejected and Bank draft
has been returned.

3. Learned counsel for the petitioner has submitted that
he was having licence for Saw Mill since 1997 bearing License



No. 299/1997. He had applied for renewal of licence by application dated 18.11.2014 which has been rejected by the Divisional Forest Officer, Motihari vide order dated 19.03.2015 as contained in Annexure-10.

4. Learned counsel for the State has filed counter affidavit wherein he has stated that petitioner had not applied for renewal of licence as required under Rule 6 of Bihar Saw Mills (Regulation) Rule, 1993.

5. Learned counsel for the petitioner has submitted that impugned order is non-speaking order. He has relied on judgment of this Court passed in L.P.A. No. 1216 of 2015 dated 07.07.2015 wherein it has been 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*.

6. 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-3, issued by Principal Secretary, Forest Department, wherein criteria for preparation of seniority list of saw mills has been mentioned in Clause 2(1).



7. Learned counsel for the petitioner has submitted that Divisional Forest Officer has not taken into consideration all those aspects while rejecting the petition of petitioner.

8. In such circumstance, the impugned order as contained in Annexure-10 is hereby set aside as the same is non-speaking order.

9. The competent authority is directed to pass fresh order in accordance with law after giving opportunity to the petitioner to file representation and after giving 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 of the petitioner.

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

11. This Writ Petition is, accordingly, allowed.

(Sanjay Priya, J)

rakhi/-

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

