

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19704 of 2015

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M/s Sunit Chirai Mill, Kaluahi, P.S. Kaluahi, Distt. Madhubani, a partnership firm through its Partner Vibhisan Yadav, s/o late Raundi Yadav, resident of village Kateya, P.S. Basopatti, Distt. Madhubani.

... .. 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, Bihar, Patna
3. The Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar, Patna
4. The Regional Chief Conservator of Forest, Muzaffarpur
5. The Divisional Forest Officer, Begusarai Forest Division, Begusarai
6. The Divisional Forest Officer, Mithila Forest Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Srivastava, Advocate. Miss. Anu Priyadarshni, Advocate.
For the Respondent/s	:	Mr. Prabhat Ranjan, A.C. to G.P. 6

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 21-02-2019

1. Heard Mr. Prakash Srivastava, learned counsel for the petitioner and Mr. Prabhat Ranjan, A.C. to G.P. 6 for the State.

2. The petitioner has challenged the order as contained in Annexure-8 by which seniority of Saw Mill has been prepared in which the name of Saw Mill of the petitioner does not appear.

3. Counsel for the State has filed counter affidavit stating therein that petitioner has earlier challenged the aforesaid Annexure-8 vide CWJC No. 16387 of 2013 in which original owner of Sunit Chirai Mill namely, Suresh Tahkur had appeared and filed intervenor petition and thereafter the writ petition was



dismissed as withdrawn by order dated 6.8.2015 with liberty to seek appropriate remedy but he has not filed any appeal thereafter. The instant writ petition without making original Saw Mill owner Suresh Thakur as a respondent, has been filed.

4. Counsel for the petitioner has pointed out Annexure-12 series and submits that he is holding valid licence for his Saw Mill but his name has not been included. The petitioner has further submitted that there is observation of this Hon'ble Court earlier in CWJC No. 16387 of 2013 that petitioner should avail appropriate remedy, but the same could not be availed.

5. In paragraphs 5 and 6 of the counter affidavit it is mentioned that this petitioner is not registered as Saw Mill owner of Sunit Chirai Mill rather Suresh Thakur is real owner of Sunit Chirai Mill. The original Sunit Churai Mill is running at Bhatsimar Rajnagar. The petitioner has established another illegal Saw Mill at Kaluahi in the name of Sunit Chirai Mill claiming that he is the real owner of the Saw Mill, which is running illegally.

6. This Court is of the view that appropriate authority can look into all the controversies as raised in the instant writ petition by this petitioner. This Court cannot appreciate the disputed question of facts in writ jurisdiction. The petitioner is directed to file appropriate petition in terms of observation of this



Court made in CWJC No. 16387 of 2013 before the competent authority.

7. In such circumstances, this writ petition is disposed off with liberty to the petitioner to seek appropriate remedy before the competent authority within a period of one month from the date of passing of this order and in that event the competent authority after giving opportunity of hearing to the petitioner and looking into relevant document and hearing the parties, pass appropriate order in accordance with law within a period of three months from the date of filing of such representation. The period of limitation will be considered by the competent authority because the petitioner was seeking relief in this Court by filing writ application.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28/02/2018
Transmission Date	

