

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2530 of 2016

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M/s Laxmi Saw Mill, Gandhi Chowk-Tajpur, P.S.- Tajpur, District-Samastipur, a proprietorship firm through its proprietor Umesh Sharma Son of Late Mukha Sharma resident of village - Motipur, P.S. Tajpur, District - Samastipur

... .. 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, 4th Floor, Technology Bhawan, Bailey Road, Patna
3. The Licensing Officer - Cum - Divisional Forest Officer, Samastipur Forest Division, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry
For the Respondent/s : Mr. Dharendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 26-02-2019

Heard learned counsel for the petitioner and the State.

The petitioner seeks the following reliefs in this writ petition:-

(i) For issuance of a writ in the nature of Mandamus directing the respondent no.3 to dispose of the application for renewal of the license for the year 2012 on 14.11.2011, for the year 2013 on 15.11.2012, for the year 2014 on 12.11.2013, for the year 2015 on 25.12.2014 and for the year 2016 on 14.12.2015 as the same are pending for



consideration before the respondent no.3 in terms of Rule 6 of the Bihar Saw Mills (Regulation) Rules, 1993.

Learned counsel for petitioner submits that he has applied for grant of license for running his Saw Mills under Bihar Saw Mill (Regulation) Act, 1990 and was granted license no. 91 of 1996 vide memo no. 985 dated 9.7.1996 which is annexed as Annexure-1 to the writ petition. It has been submitted that subsequently the petitioner has submitted his application for renewal of the license for the year 1997 to 2011 before the respondent no.3 but the same has not yet been granted. Thus, the license is deemed to be renewed in terms of Rule 6 of Bihar Saw Mills (Regulation) Rules, 1993. The copy of the applications for renewal of the license for the year 1997 to 2011 has been annexed as Annexure- 2 series to the writ petition. Learned counsel further submits that recommendations were made by the CEC on 16.3.2011 that all the licensed Saw Mills are not to be closed down and pursuant thereto the Principal Chief Conservator of Forest, Bihar, Patna,. vide his Memo no. 2185 dated 9.9.2011 issued a direction to all the Divisional Forest Officers that the renewal must be done in terms of Rule 6 of Bihar Saw Mills (Regulation) Rules, 1993.



True copy of Memo no. 2185 dated 9.9.2011 has been annexed as Annexure-3 to the writ petition. The petitioner has filed application for renewal of the license for the years 2012, 2013, 2014, 2015 and 2016 and the license was not renewed rather the same is pending for consideration before the respondent no.3. True copies of application for renewal of the license for the aforesaid period are annexed as Annexure-4 series to the writ petition.

The counter affidavit has been filed on behalf of the respondent no. 3 stating therein at paragraph nos. 14, 15 and 16 that as required under Rule 7 of Bihar Saw Mill (Regulation) Rules 1993 the license holder was supposed to submit the monthly return of wood consumed/Sawn and remaining stock to the licensing authority. An annual renewal fee of Rs. 1000/- was also required to be paid to the Govt. The petitioner did not submit any return and annual renewal fee from 1997 to 2000 and for this a notice was issued vide letter no. 1300 dated 24.7.2000 to the petitioner for submitting the up-to-date return and renewal fee failing which his license would be cancelled. Photocopy of letter no. 1300 dated 24.7.2000 has been annexed as Annexure -A to counter affidavit. The license no. 91/1996 was cancelled by the then licensing authority and the security



money was forfeited. The same was intimated to the petitioner vide letter no. 3113 dated 22.11.2000 of Divisional Forest Office, Begusarai. Photocopy of letter no. 3113 dated 22.11.2000 has been annexed as Annexure- B to counter affidavit. In the year 2004, the petitioner again submitted an application for renewal of the said license no. 91/96 and also submitted the renewal fee for the year 2005. The petitioner was intimated vide Divisional Forest Officer's Letter No. 277 dated 19.2.2005 that any consideration on the application of renewal was not possible as the license of the petitioner had already been cancelled. Photo copy of letter no. 227 dated 19.2.2005 has been annexed as Annexure-C to counter affidavit.

In such circumstances, from the aforesaid documents it appears that license of the petitioner has already been cancelled in the year 2000. The same was also intimated to the petitioner. The subsequent application filed by the petitioner for renewal of license vide Annexure(s) 2 and 4 has no validity and no any order could be passed on those applications filed by the petitioner because they all have been filed for renewal of license no. 91/1996 which was already revoked by the authority concerned.

Therefore, this Court does not find any merit in this writ



petition. The instant writ application is, accordingly, dismissed.

The authority concerned will however pass appropriate order in accordance with law on pending applications filed by the petitioner as mentioned in this writ petition within a period of three months from the date of receipt of copy of this order in accordance with law, and send intimation to the petitioner about the order passed by competent authority.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.3.2019
Transmission Date	

