

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23066 of 2019

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1. Ram Prawesh Sharma S/o Late Faguni Sharma Resident of Village- Rati Khap, P.s.- Amba, District- Aurangabad
 2. Rabindra Kumar Sharma S/o Ram Lakhan Sharma Resident of Village- G.T. Road, Bania, P.s.- Madanpur, District- Aurangabad
 3. Rajesh Kumar Sharma S/o Late Indradeo Mistri Resident of Village- Jamhore, P.s.- Jamhore, District- Aurangabad
 4. Gupta Vishwakarma S/o Ishwari Vishwakarma @ Ramanand Sharma Resident of Village- Khudwan, P.s.- Khudwan, District- Aurangabad
 5. Rajesh Thakur S/o Babu Lal Thakur Resident of Village- Jafarpatti, P.s.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna
2. The Principal Chief Conservator of Forest-cum-Chairman of State Level Committee for Wood-based Industries, Bihar, Patna
3. The Licensing Officer-cum-Divisional Forest Officer Aurangabad Forest Division, Aurangabad
4. The Licensing Officer-cum-Divisional Forest Officer Vaishali Forest Division, Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry
For the Respondent/s : Mr.Chitranjan Sinha (Paag2)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 22-11-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner has come to this Court for an expeditious remedy under Article 226 praying for the following reliefs:-

- i. Whether the petitioners are entitled to grant of Saw Mills License under Bihar Saw Mills (Regulation) Act,



1990 because the application for grant of license has been submitted by the petitioners in terms of Bihar Saw Mills (Regulation) Rules, 1993 on 21.10.1997, 01.07.1997, 23.06.1997, 02.07.1997, 10.08.2002 respectively and they were selected in the seniority list of Saw Mills within the District of Aurangabad and the petitioner no. 5 was included in the seniority list within the District of Vaishali which was finalized by the Selection Committee?

- ii. Whether the petitioners are entitled to grant of Saw Mills license under Bihar Saw Mills (Regulation) Act, 1990 because 15 seats are still vacant for grant of license in the District of Aurangabad and 15 seats are still vacant for grant of license in the District of Vaishali?
- iii. Whether since none of the surplus licensed Saw Mills are given option for relocation of Saw Mills in the District of Aurangabad and Vaishali in terms of Resolution No. 2563 dated 16.08.2012 issued by the Department of Environment & Forest, Government of Bihar, Patna and as such the petitioners are entitled to grant new Saw Mills license in place of vacant seats in the District of Aurangabad and Vaishali?
- iv. Whether the Hon'ble Supreme Court has directed the State Level Committee to take decision for grant of license on the basis of the grounds taken by the petitioners in I.A. No. 3658-3659 of 2013 in Writ Petition No. 202 of 1995?
- v. Whether the petitioners are victimized on the lethargic attitude of the Licensing Officer and the State Level Committee because since no decision has been taken by Respondent No. 2 in spite of the constitution of State Level Level Committee on 31.12.2015?
- vi. Whether the action of the respondent is illegal, unjust and arbitrary and is violative of Article 14 and 19(1)



(g) of the Constitution of India?”

Learned counsel for the petitioner submits that the petitioners are entitled for grant of Saw Mill Licence, but the respondents have been allegedly withholding the same even though 15 seats are still vacant for grant of licence in the district of Aurangabad and similarly 15 seats are also vacant for grant of licence in the district of Vaishali.

Learned counsel for the petitioner submits that other similarly situated licence applicants had come to this Court in the light of the directions of the Hon'ble Supreme Court wherein the State Level Committee has been directed to take a decision for grant of the licence on the basis of the grounds taken by the applicants in I.A. No. 3658-3659 of 2013 in writ petition No. 202 of 1995. He thus submits that the alleged act of withholding the licence is violative of Article 14 and 19(1)(g) of the Constitution of the India as their right of valid licence has also been effected and their units are also languishing.

Considering the aforementioned facts and circumstances, this Court in the case of Mittal Kumar Sharma and Ors. has in C.W.J.C. No. 22193 of 2018 vide order dated 14.02.2019 has disposed of the writ application for grant of licence under Bihar Saw Mills (Regulation) Act, 1990, extract



whereof is as follows:-

“4. The Petitioners and others were directed by the State Level Committee to file six copies of the petition(s) for grant of license in terms of the order dated 05.10.2015 passed by the Hon’ble Supreme Court and, accordingly, the Petitioners filed detailed petitions before the Respondent No.2 on 23.01.2017 requesting him to direct the Licensing Officer to grant license to the Petitioners. True copy of the petitions dated 23.01.2017 is enclosed as Annexure-P/3.

5. Aforesaid petitions are still pending for consideration after lapse of more than one year because neither the date of hearing on the aforesaid petitions has been fixed nor any decision has been taken by the Respondent No.2 for grant of license in terms of the order dated 05.10.2015 passed by the Hon’ble Supreme Court.

6. In view of such, this writ application is disposed off with direction to the Respondent No.2 (The Principal Chief Conservator of Forest-cum-Chairman of State Level Committee for wood-based Industries, Bihar, Patna) to look into the contention raised by the Petitioners in the aforesaid petitions as contained in Annexure-3 series and after giving proper opportunity of hearing to the Petitioners and after relying on relevant documents dispose off the same within a period of three months from the date of communication of this order.”

Learned counsel for the petitioner submits that the present petitioners have also filed their delayed representations (Annexure-3 series) and there is no impediment in the grant of



licence and, therefore, appropriate directions as in the other case may also be extended to the present petitioners.

Having heard learned counsel for the petitioner and upon consideration of all facts and circumstance, it is directed that the respondent No. 2, Principal Chief Conservator of Forest-cum-Chairman of State Level Committee for Wood-based Industries, Bihar, Patna, that he will take up the issue of the petitioner for grant of licence which has remained pending since 21.10.1997, 01.07.1997, 23.06.1997, 02.07.1997, 10.08.2002 and dispose of the same in the light of the directions quoted hereinabove within a period of six weeks.

It is made clear that till disposal of the representations of the petitioner. The authorities shall not create any hindrance in the business of the respective saw mills owners.

The application stands disposed of.

(Anjana Mishra, J)

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