

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2134 of 2019**

- Pushkar Singh Chandrakar S/o Late Krishna Kumar Chandrakar Aged About 32 Years R/o Village Joratarai, Post Bhatagaon (R), Tahsil Gunderdehi, District Balod Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Forest Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
2. Chief Conservator of Forest Durg Circle, District Durg Chhattisgarh
3. Divisional Forest Officer Balod Division, District Balod Chhattisgarh
4. Range Officer (Forest) Durg Range, District Durg Chhattisgarh.

---- Respondents

For Petitioner : Shri Rudra Nath Mukherjee, Advocate

For Respondents/State : Shri Ashish Surana, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/06/2019**

1. Heard.
2. The instant petition is filed for the reason that a license supplied for the sawmill to the father of the petitioner was canceled and the application filed by the petitioner for renewal of license of sawmill has not been allowed.
3. The facts would show that the father of the petitioner namely Krishna Kumar

Chandrakar was holding a license at Bhatagaon. The inspection having been made in the year 1989, 28 pieces of teakwood were found, which were found to be illegal. In a result, the sawmill was sealed and subsequently, the license was canceled. It is further contended that in a list before the Hon'ble Supreme Court, the name of the persons who are holding the license of sawmill was submitted, which did not contain the name of the father of the petitioner and subsequently, when the petitioner filed an application for renewal of the sawmill license, the same was dismissed.

4. Learned counsel for the petitioner would submit that the father of the petitioner has died and subsequent to his death an application was filed for renewal. He would further submit that the application for renewal has wrongly been dismissed, therefore, the original sawmill license may be restored.
5. The facts would reveal that the original license was in the name of the father of the petitioner and he having been found guilty for breach of license condition, the license was canceled in the year 1989, thereafter, in a list having the name of existing sawmill licensee, which was placed before Hon'ble the Supreme Court, the name of the father of the petitioner was not there. After the death of the father of the petitioner, the petitioner has filed another application for renewal of the license. The fact remains that the license having been canceled in the year 1989, the same could not be renewed. In any case, the facts would suggest that the license was in the personal name of the father of the petitioner and for his act, the son cannot be held attributed for the time immemorial. It is the discretion of the State/respondent to grant a license to a particular person or

not, therefore, if the petitioner makes afresh application for license before the respondents, the same may be considered according to the existing law and the rules prevailing as on date.

6. It is made clear that this Court has not made any observation on the merits of the case and the petitioner, if so advised, may file afresh application and the State would be obliged to decide the same according to the existing law and the rules which governs the field.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu