

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 83 of 2020**

Mukesh Kumar Mishra S/o Rajendra Kumar Mishra, Aged About 41 Years, R/o Village - Bandha Bazar (Kotra) Tahsil - Ambagarh Chowki, District – Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Divisional Forest Officer, Rajnandgaon Forest Division, Rajnangaon Chhattisgarh
3. Chief Conservator Of Forest (Regional), Durg Circle, Durg, Chhattisgarh
4. Additional Principal Chief Conservator Of Forest, North Block Aranya Bhawan, 2nd Floor, Atal Nagar, Raipur, Chhattisgarh
5. State Level Committee, Through - Chairman, Principal Chief Conservator Of Forest, North Block Aranya Bhawan, 2nd Floor, Atal Nagar, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vipin Punjabi, Advocate
For State	:	Mr. V. R. Tiwari, Additional Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.01.2020**

1. The relief sought by the petitioner during the course of argument is for an appropriate direction to the respondent no.5 to consider the

application of the petitioner for transfer of licence/renewal of licence so far as running of "Mishra Saw Mill" situated at Bandha Bazar (Kotra), district Rajnandgaon is concerned.

2. Counsel for the petitioner submits that the Saw Mill was originally in the name of his father late Rajendra Kumar Mishra in whose favour the last licence was issued on 01.01.2016 and which was valid up till 31.12.2018. According to the petitioner, his father died on 31.10.2017 and thereafter, he has been approaching the authority concerned for transfer/renewal of the licence in his name which till date is pending consideration. Counsel for the petitioner further submits that the same authority i.e. the respondent no.5, however, meanwhile, has granted licence to other similarly placed persons whose Saw Mills are closer to the forest area as compared to the petitioner's Saw Mill which is quite far but the respondent authorities for reasons best known are not taking any decision on his application.
3. Given the aforesaid facts and circumstances of the case, particularly taking note of the facts that the petitioner's father already had a licence valid up till 31.12.2018, the petitioner also meanwhile obtaining a succession certificate from the competent court of law and that the respondent no.5 Committee has already granted licence to similarly placed persons whose Saw Mills are situated much closure to the forest area as compared to the petitioner's Saw Mill, the writ petition can be disposed of directing the respondent no.5 to consider and take a decision on the application of the petitioner for issuance of licence in favour of the petitioner at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

4. While taking decision, the respondent no.5 shall also take note of the guidelines particularly Clause 8.4 of the Wood Based industry (Establishment and Regulation) Guidelines, 2016.
5. With the aforesaid direction, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**