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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 729 of 2020**

M/s Ganesh Oil & Saw Mill Through Its Proprietor Shri Aatmaram Gidwani, Aged About 65 Year, S/o Late Shri Chandiram Gidwani, R/o Nayapara Bodri, Chakarbhata, Tahsil- Belha, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh
2. Divisional Forest Officer, Forest Division Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh
3. Chief Conservator Of Forest, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Otvani, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.02.2020**

1. The challenge in the present writ petition is to the order passed by the Conservator of Forest, Bilaspur dated 07.12.2018 Annexure P-1 and the subsequent order passed by the Divisional Forest Officer (for short "DFO") dated 15.02.2019.
2. The facts of the case are that the petitioner himself claims to be the proprietor of "Shri Ganesh Oil & Saw Mill" situated at Chakarbhata,

Tahsil Belha, District Bilaspur. The Saw Mill was originally run by four partners namely Relumal, Sahaj Ram, Bhagwan Das & Chandiram. Subsequently, Relumal and Sahaj Ram retired from the said partnership and the Saw Mill was being operated in the name of Bhagwan Das and Chandi Ram. Later on, Bhagwan Das also withdrew from the said firm and it was being run by Chandiram i.e. the father of the petitioner herein Aatmaram. When the mill was being operated by Chandiram, in the licence, Chandiram was shown to be the proprietor of the said firm along with the petitioner Aatmaram. The said licence was in the name of Chandiram and Aatmaram up till 1999. Subsequently, the licence was being issued in the name of Aatmaram showing himself to be the proprietor of the said firm. Meanwhile, Chandiram expired on 08.06.2011. Though Chandiram expired, Aatmaram continued getting the licence renewed from time to time showing himself to be the proprietor of the said Oil and Saw Mill up till 2016-17. The other statutory authorities also have issued orders/licence in favour of Aatmaram showing him to be the proprietor of the said firm.

3. The dispute arose when the brother of the petitioner namely Ghanshyam raised an objection in respect of the renewal of licence being made in the name of Aatmaram alleging that the petitioner has fraudulently removed the name of Chandiram as the proprietor and this fact was not brought to the notice of the objector or anybody and accordingly prayed for cancellation of the renewal of licence being made in the name of Aatmaram.
4. The Chief Conservator of Forest, Bilaspur vide order Annexure P-1

dated 07.12.2018 reached to the conclusion that in the absence of a succession certificate obtained by Aatmaram it was not proper on the part of the DFO to have issued renewal of licence and therefore quashed the licence granted by the DFO and ordered the DFO for directing the petitioner to produce a succession certificate so as to consider the application for renewal. Subsequently, the DFO vide order Annexure P-2 dated 14.02.2019 directed the petitioner to produce a succession certificate on the basis of which his renewal application could be considered. The said order Annexure P-2 was subjected to challenge in WPC No. 2648/19 which finally stood rejected on 01.08.2019 on the ground that the order dated 07.12.2018 was not challenged by the petitioner and that the order of DFO Annexure P-2 dated 14.02.2019 is only a consequential order of communication made to the petitioner.

5. During the course of hearing, counsel for the petitioner fairly concedes that against the order dated 07.12.2018 passed by the Chief Conservator of Forest the petitioner had already filed a review application which till date is pending. It has also been brought to the notice of this Court that the petitioner meanwhile had also approached the competent Court of law for obtaining succession certificate under Section 372 of the Indian Succession Act and the concerned Court has expressed its inability vide its order dated 03.02.2020 to grant succession certificate.
6. Given the said fact that the petitioner has approached the concerned Court for obtaining succession certificate where the concerned Court has expressed its inability, the only recourse now available to the

petitioner as on date would be to challenge the said order dated 03.02.2020 and at the same time to pursue the review petition which is pending before the Chief Conservator of Forest i.e. respondent no.3.

7. Reserving the right of the petitioner to avail the remedies i.e. by approaching the respondent no.3 for considering the review petition that he has filed and at the same time, if the petitioner is so advised to challenge the order dated 03.02.2020 passed by the concerned Civil Court declining to grant succession certificate to the petitioner, the present writ petition stands disposed of.

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