

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.18 of 2020
In
Civil Writ Jurisdiction Case No.4054 of 2013

Nawal Kishore Yadav, Son of Manrup Yadav, Resident of Village- Manmohan Chowk, P.S. Basopatti, P.O. Kamalpur, District- Madhubani ... Appellant
Versus

1. The State of Bihar
2. The Principal Secretary, Environment and Forest, Government of Bihar, Patna
3. The Chief Conservator of Forest, Bihar, Patna
4. The Appellate Authority-cum-Conservator of Forest, Muzaffarpur Circle, Muzaffarpur
5. The Licensing Authority-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga
6. The District Magistrate, Madhubani ... Respondents

Appearance :

For the Appellant : Mr. Vinay Mistry, Adv.
For the Respondents : Mr. Sarvesh Kumar, AAG XIII

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE A. M. BADAR)

3 28-10-2021 Heard learned counsel appearing for the
appellant/petitioner as also the respondents.

The learned counsel for the appellant urged that the present Letters Patent Appeal has been filed against the order of the learned single Judge, dated 04.08.2015, passed in C.W.J.C. No. 4054 of 2013 because the learned single Judge has committed error in not considering the fact that the appellant/petitioner was not granted opportunity of hearing by the authority, who had issued show cause notice for cancellation of his saw mill licence and subsequently passed an order of



cancellation of licence. It is, further, urged that the alleged offence of non-filing of return is a technical offence, as per the provision of Bihar Saw Mills (Regulation) Act, 1990, and the same is compoundable.

We have considered the submissions, advanced by the parties, and also perused the records of the proceedings. It is seen that the appellant/petitioner had duly appeared before the Licensing Authority/Forest Officer, who had issued notice of the cancellation of saw mill licence to the appellant/petitioner. The annexure to the order passed by the said Licensing Authority shows that the appellant/petitioner was duly heard by the said Authority before whom he had contended that because of the illness, he could not operate the saw mill and submit the return. Thus, there is no breach of principles of natural justice. Only because the act of non-filing of the return is a compoundable offence, it cannot be held that licence cannot be cancelled. The object of filing of return seems to be that there should not be processing of illicit timber at the saw mill.

Undisputedly, the appellant/petitioner has not chosen to file return in respect of operation of saw mill from the year 2010 and, ultimately, after issuing notice and after hearing the appellant/petitioner, by order, dated 17.04.2012, the Licensing Authority of the Forest Department cancelled the licence of the appellant/petitioner. The said order came to be confirmed in the appeal and the writ petition came to be dismissed



by the learned single Judge by considering the entire material on record.

We find no infirmity in the impugned order passed by the learned single Judge and, therefore, the appeal is **dismissed**.

(Sanjay Karol, CJ)

(A. M. Badar, J)

Shamshad/PKP

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