

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5153 of 2021

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Ara Mill Sanrakshan Samiti Bihar, Head Office- M/s Deepak Timber, Bag Bhup Singh Lane, Alamganj, Police Chowki, Gulzarbagh, Patna through its Secretary, Ram Dular Sharma, aged about 51 years (Male), Son of Sri Ramswarath Sharma, Resident of Ward No. 5, P.O. - Rosera, P.S. - Rosera, District - Samastipur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Mr. Raghwanand, G.A. 11
		Mr. Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of a writ in the nature of Mandamus directing the Respondent No. 2 - Chairman of State Level Committee for Wood-based Industries, Bihar to take the decision for grant of license under Bihar Sass Mills (Regulation) Act, 1990 on the basis of the Report submitted by the State Level Committee to the State or Bihar vide Memo No. 1404 dated 22.07.2020 **(Annexure-4)** in terms of the order dated 5.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of

1995 as 3200 Sass Mills has been fixed by the State level Committee to run in the State of Bihar.

(ii) For issuance of writ in the nature of mandamus directing the respondents not to close down and dismantle the Saw Mills of the members of the petitioner till such time the matter's are finally decided by the State Level Committee and approved by the State of Bihar as all the Licensing Officer-cum-Divisional Forest Officer, Bihar and the Rangers has asked the members of the petitioner to dismantle the saw mills without approval of the State Level Committee.

(iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

After the matter was heard for sometime, learned counsel for the petitioner submits that the petitioner shall be content if a direction is issued to Respondent No. 2, namely, The Chairman, State Level Committee for Wood -based Industries, Bihar, Patna-cum-Principal Chief Conservator of Forest, Bihar, Patna, to consider and decide the representation to be filed, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA