

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5240 of 2021

Shiv Prasad Sharma son of Bhola Mistri Resident of Village Tehta P.O. Tehta
P.S. Makhdumpur, District Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Forest and Environment Department Government of Bihar, Patna.
2. The Divisional Forest Officer, Magadh Division Gaya, District Forest Office, Karimganj Gaya.
3. The Conservator of Forest, Divisional Office, Karimganj District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Respondent/s : Mr. Awanish Nandan Sinha, GP-21

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“for issuance of an appropriate writ/writes for quashing the order dated 22.5.2000 where by and where under application for granting Saw Mill license has been rejected by the respondent no.2 and for quashing the order dated 5.5.2000 passed in Appeal No.2/2000, issued by memo no. 954 dated 30.5.2017 by the respondent no.3 by which claim of license of the petitioner has been rejected and thereafter the petitioner preferred Misc. Appeal No.01 /2008 against the order dated 5.5.2000 which has also been rejected by the order dated 8.5.2019 passed by learned Addl. Sessions Judge-7, Jehanabad, may be quashed and issued direction to the respondents to consider the case of the petitioner.

After the matter was heard for some time,
learned counsel for the petitioner states that notwithstanding



the order passed by the respondent, petitioner would again approach the respondent No.2, namely, the Divisional Forest Officer, Magadh Division, Gaya, for grant of fresh license.

Learned counsel for the respondents-State has no objection to the same.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner shall approach Respondent No.2 namely, the Divisional Forest Officer, Magadh Division, Gaya, within a period of two weeks from today by filing a representation for redressal of grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of two months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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



(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action; and

(g) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

