

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2608 of 2021

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Ziaul Arefin, Son of Late Faizul Arefin, Resident of New Down City
Restaurant, Gorakhnath Complex, East Boring Canal Road, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its, Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna
2. The Principal Chief Conservator of Forests, Department of Environment and Forest, Government of Bihar, Patna.
3. The Additional Chief Conservator of Forests (Wildlife), Department of Environment and Forest, Government of Bihar, Patna.
4. The Director, Ecology and Environment, Department of Environment and Forest, Government of Bihar, Patna.
5. The Director, Sanjay Gandhi Biological Park, Patna, Department of Environment and Forest, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2021

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

1.(a) For issuance of writ of certiorari for quashing / setting aside the order dated 21.09.2020/09.10.2020 passed by learned Principal Secretary, Department of Environment & Forest, Government of Bihar contained in memo no.1213 dated 14.10.2020 by which petitioner has been directed to make the payment of 29,27,015/- within 15 days failing which petitioner shall not black-listed and shall not be allowed to participate in forthcoming tender.

(b) To issue further writ of certiorari for quashing / setting aside all the consequential notifications / letters issued by the respondent on



the basis of order dated 21.09.2020/09.10.2020 passed by learned Principal Secretary, Department of Environment & Forest, Government of Bihar contained in Memo No.1213 dated 14.10.2020.”

Learned counsel points out that despite the petitioner having represented pursuant to the directions issued by this Court in terms of order dated 27th of February 2020, passed in CWJC No. 3333 of 2020 titled as *Ziaul Arefin Vs. The State of Bihar and Ors.* (Annexure-3, Page 34), the appropriate authority has not considered the petitioner’s point of view in its correct perspective and, as such, passed an order which is bordering perversity.

The impugned order dated 9th of October 2020, passed by the Principal Secretary, Department of Environment & Forest, Government of Bihar, does not deal with the issue of remission of charges for the period for which the park was closed, be it on account of current pandemic Covid - 19 restrictions or development activities/water logging.

Well, these are all factual issues and, as such, we allow the petitioner, as prayed for, to approach Respondent No.5, namely, the Director, Sanjay Gandhi Biological Park, Patna, Department of Environment and Forest, Government of Bihar, Patna, pointing out all factual issues, enabling him to pass a fresh order, independent of the impugned order dated 9th of



October, 2020.

Mr. Vikash Kumar, learned Standing Counsel-11 states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall appear before the Respondent No.5, namely, the Director, Sanjay Gandhi Biological Park, Patna, Department of Environment and Forest, Government of Bihar, Patna on 13.12.2021 at 10:30 a.m. 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 three 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;

(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/Sanjay

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

