

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3230 of 2021

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M/s SHARMA SAM MILL, Kariyadpur, P.S.-Fatehpur, District-Gaya, a Proprietorship firm through its Proprietor Ramji Sharma, Aged about 65 years (Male), Son of Nathun Mistri @ Nathun Sharma, Resident of Village - Kariyadpur, P.S.-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Conservator of Forest, Gaya Circle, Gaya.
4. The Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya.
5. The Ranger, Gaya Range, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr. Awanish Nandan Sinha(G.P.21)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of a writ in the nature of certiorari for quashing of order dated 17.2.2020 bearing Memo No.510 dated 17.3.2020 (Annexure -4) Passed by the Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya in Appeal Case No.1 of 2020 whereby the appeal has been dismissed which was filed against the

order bearing Letter No.2996 dated 6.7.2001 issued by the Divisional Forest Officer, Gaya Forest Division Gaya whereby the Saw Mill License bearing License No.17 of 1995 was cancelled under the provision of Bihar Saw Mills (Regulation) Act, 1990.

(ii) For issuance of a writ in the nature of mandamus directing the respondent no.4 to restore the license and further be pleased to direct the respondent no.4 to accept the application for renewal of the license and accordingly to renew the same under the provision of Bihar Saw Mills (Regulation) Rules, 1993.

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

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. (Respondent No. 4) Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya to consider and decide the representation which the petitioner shall be filing within a period of eight weeks for redressal of the grievance(s).

Learned counsel for the respondents 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 two 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 approach the authority concerned

within a period of four weeks from today by filing a representation for redressal of the 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 rises 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)

Sanjay/- Ranjan

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