

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1528 of 2020

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Jitendra Kumar Son of late Arjun Sharma, Resident of Village- Dobhi, P.S. Dobhi, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Prescribed Officer-Cum-Conservator of Forest, Gaya Circle, Gaya.
4. The Licensing Officer-Cum- Divisional Forest Officer, Gaya Forest Division, Gaya.
5. Karu Mistri Son of late Ramchandra Mistri, Resident of Village- Mirchak, P.S. Gurua, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Mr. Gajendra Prasad Yadav, SC-17 Mr. Raghwanand, G.A.-11 Mr. Nikhilesh Kumar, Advocate Mr. Suraj Narain Yadav, Advocate Mr. Raghwanand, Advocate

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

Date : 20-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i) For issuance of a writ in the nature of Certiorari for quashing of the Order dated 7.12.2019 bearing Memo No.1643 dated 10.12.2019 (**Annexure-P-8**) passed by the Prescribed Officer-cum-Conservator of Forest,



Gaya Circle, Gaya in Appeal Case No.3 of 2008 whereby the appeal has been rejected which was filed against the Order dated 14.11.2007 bearing Memo No.4134 dated 11.12.2007 (**Annexure-P-6**) passed by the Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya whereby the License No.96 of 1998 has been cancelled under the provisions of Bihar Saw Mills (Regulation) Act,1990.

- ii) For issuance of a writ in the nature of Mandamus directing the respondent authorities to include the petitioner's Saw Mill in the seniority list of Saw Mills within the District of Gaya and accordingly to renew the same in favour of the petitioner in accordance with law.
- iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.

It is not in dispute that the petitioner is the son of the original license-holder. The impugned order dated 07.12.2019, passed by the Appellate Authority i.e. Prescribed Officer-cum-Conservator of Forest, Gaya Circle, Gaya in Appeal Case No. 3 of 2008 (Annexure-P/8, Page 55) does not deal with any one of the issues raised by the appellant. Also, before passing the order, no opportunity of



hearing was afforded.

As such, on this short ground alone, we quash and set aside the order dated 07.12.2019, passed by the Prescribed Officer-cum-Conservator of Forest, Gaya Circle, Gaya in Appeal Case No. 3 of 2008, (Annexure-P/8, Page 55) with a direction to the appellate authority to pass a fresh order, strictly in accordance with law, within a period of three months from the date of appearance of the petitioner along with a copy of this order.

Needless to add, the Appellate Authority shall pass a reasoned and speaking order, after granting adequate opportunity of hearing as also complying with the principles of natural justice.

Petitioner shall make himself available in the office of the Appellate Authority on 10th of October, 2022 at 10:30 A.M. along with a copy of this order. Also, petitioner shall fully cooperate in the proceedings and not take any unnecessary adjournment.

The instant petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2022
Transmission Date	

