

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6637 of 2021

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Shital Mistri Son of Late Hari Mistri Resident of Village - Saur Dariyapur,
P.S. - Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Sr. Advocate
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 THE CHIEF JUSTICE)

Date : 04-01-2022

Heard learned counsel for the parties.

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

- (i) For issuance of a writ in the nature of Mandamus directing the Respondent No. 2 - Chairman of State Level Committee for Wood-based Industries, Bihar to dispose of the petition dated 25.1.2019 (**Annexure-3**) filed by the petitioner



for grant of license under Bihar Saw Mills (Regulation) Act, 1990 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 the State of Bihar vide Memo No. 406 dated 3.12.2015 has already constituted State Level Committee under the Chairmanship of the Principal Chief Conservator of Forest, Bihar.

- (ii) For issuance of a writ in the nature of mandamus directing the Respondents not to take any coercive action against the petitioner till the disposal of the petition dated 25.1.2019 in the facts and circumstances of the case.
- (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 some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the petitioner's representation dated 25.01.2019 (Annexure-P/3) within a time bound period.

Learned counsel for the respondents states that the petitioner's representation dated 25.01.2019 (Annexure-P/3) shall be positively considered and decided expeditiously



and preferably within a period of three months from the date of presentation of a copy of this order before the authority concerned.

Statement accepted and taken on record.

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

(a) Petitioner shall make himself available in the office of Respondent No. 3 namely the Licensing Officer-cum-Divisional Forest Officer, Nawada Forest Division, Nawada on 17th of January, 2022 along with a copy of this order;

(b) The said respondent shall consider and dispose of the petitioner's representation dated 25.01.2019 (Annexure-P/3) expeditiously by a reasoned and speaking order preferably within a period of three months from the date of appearance of the petitioner before him along with a copy of this order;

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

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;



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

(f) 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;

(g) Liberty reserved to the petitioner to challenge the order before the appropriate forum, should the need so rise subsequently;

(h) 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)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

