

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2735 of 2020

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M/s Jasbir Saw Mill P.G. Road, Jehanabad, District- Jehanabad a proprietorship firm through its Proprietor Jasbir Singh, aged about 64 year, Gender Male, Son of Late Vishun Singh, Resident of P.G. Road, Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. The Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya.
4. The Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, 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, GA-11

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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 9.11.2019 bearing Memo No.1471 dated 21.11.2019 (**Annexure-P-6**) passed by the Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya in Appeal



Case No.4 of 2014 whereby the appeal has been dismissed and the order dated 25.1.2014 bearing Memo No.618 dated 31.1.2014 (Annexure-P-5) passed by the Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya has been declared legal and justified.

- ii) For issuance of writ in the nature of Mandamus directing the respondents to restore the license and renew the same in view of the law laid down by this Hon'ble Court in case of M/s Vishwakarma Furniture Works Vs. The State of Bihar in CWJC No.24763 of 2013.
- iii) For issuance of writ in the nature of Mandamus directing the respondents not to take any coercive action against the petitioner till the disposal of the present writ application in the facts and circumstances of the case.
- iv) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.

Learned counsel for the petitioner submits that similar issue has already been dealt with and decided by a learned Single Judge of this Court on 13th of October, 2017 in CWJC No. 24763 of 2013, titled as M/s Vishwakarma Furniture



Works Vs. The State of Bihar & Ors. As such, the present writ petition may also be disposed of in terms thereof.

Having heard learned counsel for the parties as also gone through the judgment passed by the learned Single Judge, we find that similar issue stands involved in the present case also.

As such, we dispose of the present petition in the following terms:

(a) Directions contained in the judgment dated 13th of October, 2017 passed in CWJC No. 24763 of 2013, titled as M/s Vishwakarma Furniture Works Vs. The State of Bihar & Ors. shall also govern the instant case *mutatis mutandi* to the extent possible;

(b) Order dated 09.11.2019 bearing Memo No. 1471 dated 21.11.2019, passed by the Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya in Appeal Case No. 4 of 2014 (Annexure-P/6) and the order dated 25.01.2014 bearing Memo No. 618 dated 31.01.2014, passed by the Licencing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya (Annexure-5) are quashed and set aside.

Licence of the petitioner is restored and he shall be entitled to the renewal thereof all through, which should be



granted within a period of six weeks from the date of receipt/production of a copy of this order.

The writ 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	

