

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5361 of 2020

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M/s Hindustan Saw Mill Kanhauli, P.S. Mushari, District- Muzaffarpur, a Partnership Firm through its Partner Rakesh Kumar Sharma aged about 45 years Gender- Male Son of Sri Ramraj Thakur, resident of Village- Kanhauli Math, P.S. Mithanpura, District- Muzaffarpur.

... .. 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, 5th Floor, Aranaya Bhawan, Sheikhpura, Patna- 800014.
3. The Licensing Officer-cum-Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Chitranjan Sinha (PAAG2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-02-2022

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.3- Licensing Officer-cum-Forest Officer, Tirhut Forest Division, Muzaffarpur to dispose of the application for renewal of the license of Saw Mills for the year 2017 to 2021 (**Annexure-P-2**) filed by the petitioner on the basis of the specific direction issued by the State Level Committee under the

Chairmanship of PCCF, Bihar vide Minutes dated 26.09.2019 as the aforesaid application is still pending for consideration before the Licensing Officer.

ii) For issuance of a writ in the nature of Mandamus directing the Respondents not to take any coercive action against the petitioner till such time the application for renewal of the license is decided by the Licensing Officer 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 representation which the petitioner shall be filing within a period of four weeks from today 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 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 on 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 four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently

on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	