

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9010 of 2021

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Ashok Kumar Thakur, S/o Shiv Nandan Thakur, resident of Village - Mahmadpur, P.O.- Shingar, P.S. and Anchal - Kanti, District - Muzaffarpur, Proprietor of Ashok Saw Mill.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
2. The Conservator of Forest-cum-Additional Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Forest Officer, Muzaffarpur.
5. The Divisional Forest Officer -cum-Licensing Authority, Tirhut Division, Gundak Project Colony, Sherpur, Muzaffarpur.
6. The Conservator of Forest, Forest Circle, Gundak Project Colony, Sherpur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Respondent/s : Mr.Raghwanand, Advocate

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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 through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 19-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“ That, this is an application for issuance of writ/writs in the nature of Certiorari for quashing the Letter vide Memo No.- 1218, dated 07.06.2017, issued by the Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur, by which and where under the petitioner has been intimated that, the Saw mill of the petitioner is declared illegal vide Resolution No.- 2675, dated 30.05.2010 by the Selection Committee. And returned the License Renewal fee of the petitioner for the year 2016 vide Memo no.-554, dated 01.04.2016.

a) For issuance of writ/writs, direction/directions to the

respondents to renew the license of the petitioner vide Licens no.- 196/1995 since the date of cancellation/returning th Renewal fee to till date.

b) For issuance of writ/writs, direction/directions to the respondents to ensure the Saw Mill of the petitioner is valid and take it into in final seniority list in the District Muzaffarpur Saw mill.

c) For issuance of writ/writs, direction/directions to the respondents to permit the petitioner to run his saw mill till disposal of the proceeding started by Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur, vide notice Memo no.-2944, dated 19.09.2012.

d) For any other relief/reliefs) for which the petitioner is found entitled by the Hon'ble Court. ”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned, i.e. **The Chairman, State Level Committee for Wood-based Industries, Bihar, Patna-cum-Principal Chief Conservator of Forest, Bihar, Patna**, or any of the statutory authority to consider and decide the representation which the petitioners 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 petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four 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) Petitioners 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) 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take 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 petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) Liberty also reserved to the petitioners to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

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

(i) 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	