

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12778 of 2021

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M/s Prakash Timber Stores Sasamusa, P.S.- Sasamusa, District- Gopalganj, a proprietorship firm through its proprietor Balram Mishra, aged about 61 years (Male), Son of Ram Sakal Mishra, Resident of Village- Sasamusa, P.S.- Sasamusa, District- Gopalganj.

... .. 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.
3. The Licensing Officer-cum-Divisional Forest Officer, Gopalganj Forest Division, Gopalganj.
4. The Licensing Officer-cum-Divisional Forest Officer, Bettiah Forest Division, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
Mr. Sanket, Advocate

For the Respondent/s : Mr. Anant Pd. Singh, SC 15

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

(Per: HONOURABLE THE CHIEF JUSTICE)
(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 : 12-01-2022

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. 3 to grant permission to the petitioner to transfer/change the location of his saw mill from old place to newly place appertaining to Khata No. 32, Khesra No. 179, Thana No. 398, measuring an area 28 decimals 0-3-0 situated at Mauza - Pakri (Ramnagar), P.S. - Ramnagar, District - West Champaran as the petitioner has made a detailed representation before the Respondent No. 3 - Licensing Officer on 22.2.2021 in this matter and the same is still pending for consideration before the Licensing Officer.
- (ii) For issuance of a writ in the nature of mandamus directing the Respondent No. 4 not to take any coercive action against the saw mill business of the petitioner over the newly place if the permission is granted for shifting the saw mill 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 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 in the following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 3, namely, The Licensing Officer -cum-Divisional Forest Officer, Gopalganj Forest Division, Gopalganj 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 three 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the



aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

