

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13926 of 2021

1. Vishwakarma Kashth Shilpi Vikash Samiti, Bihar its Head Office-M/s Kanhaiya Saw Mill, Near Old Post Office, Samastipur, P.S.-Samastipur, District-Samastipur, through its General Secretary-Sri Ram Bharosh Sharma, Aged about 59 years (Male), Son of Late Saryug Sharma, Resident of Village-Birnama Tulla, P.S.-Angarghat, District-Samastipur (Bihar).
2. Sadhu Sharma, son of Late Hareram Sharma, Resident of Village-Singhiya Kalali Chouk, P.S.-Singhiya, District-Samastipur.
3. Dharamnath Sharma, son of Late Pitamber Sharma, Resident of Village-Jatmalpur, P.O.-Tira, P.S.-Kalyanpur, District-Samastipur.
4. Gauri Kumar Sharma, son of Late Chandeshwar Sharma, Resident of Village-Rambhadrapur, P.O.-Ratwara, P.S.-Kalyanpur, District-Samastipur.
5. Prameshwar Sharma, son of Late Babulal Sharma, Resident of Village-Ramaul, P.O.-Bandhar Hathauri, P.S.-Hathauri, District-Samastipur.
6. Subodh Kumar Sharma, son of Ram Ratan Sharma, Resident of Village-Ramchandrapur Dashara, P.O.-Patori, P.S.-Samastipur, District-Samastipur.
7. Umesh Sharma, son of Late Ramraji Sharma, Resident of Village-Lakshrampur, P.O.-Jitwariya, P.S.-Samastipur, District-Samastipur.
8. Ganesh Prasad Sharma, son of Late Ram Prasad Sharma, Resident of Village and P.O.-Harpur Rewari, P.S.-Angarghat, District-Samastipur.
9. Vechan Sharma, son of Late Jokhan Sharma, Resident of Village-Masumnagar, P.O.-Chakmehsi, P.S.-Samastipur, District-Samastipur.
10. Pankaj Kumar Thakur, son of Late Lal Bahadur Thakur, Resident of Village-Kisanpur, P.O.-Warisnagar, P.S.-Warisnagar, District-Samastipur.
11. Santosh Kumar, Son of Late Nemulal Sharma, Resident of Village-Dayal Chowk, Ghatho, P.S.-Dalsinghsarai, District-Samastipur.
12. Ram Baslak Sharma, son of Late Lakhan Sharma, Resident of Village-Fulhara, P.O.-Singhiya, P.S.-Singhiya, District-Samastipur.
13. Santosh Kumar Sharma, son of Late Ramjiwan Sharma, Resident of Village and P.O.-Shahpur Patori, P.S.-Shahpur Patori, District-Samastipur.
14. Arun Kumar Sharma, Son of Late Vishnudeo Sharma, Resident of Village and P.O.-Sarairanjan, P.S.-Sarairanjan, District-Samastipur.
15. Arun Kumar, Son of Late Ram Chandra Thakur, Resident of Village and P.O.-Vishnupur Bathua, P.S.-Pusa, District-Samastipur.
16. Vijay Kumar, son of Late Pasupati Thakur, Resident of Village-Gangapur, P.O.-Vaini, P.S.-Pusa, District-Samastipur.
17. Vijay Sharma, son of Late Ramautar Sharma, Resident of Village and P.O.-Narhan, P.S.-Narhan, District-Samastipur.
18. Muneshwar Sharma, Son of Late Maujelal Sharma, Resident of Village-Dubauli, P.O.-Thatpur Behri, P.S.-Baheri, District-Darbhanga.
19. Ram Vilash Sharma, son of Late Nanipat Sharma, Resident of Village and P.O.-Narsara Vishanpur, P.S.-Nanumannagar, District-Darbhanga.

20. Naweem Kumar, son of Ram Niwas Prasad, Resident of Village-Rupauli, P.S.-Rosera, District-Samastipur.
21. Arun Kumar Tiwari, Son of Late Sudhakarnath Tiwari, Resident of Village-Jayamangalpur, P.O.-Narkatiyaganj, P.S.-Narkatiyaganj, District-West Champaran.
22. Chhotelal Jaiswal, Son of Late Sukhdeo Prasad, Resident of Village and P.O.-Narkatiyaganj, P.S.-Narkatiyaganj, District-West Champaran.
23. Yugal Kishor Sharma, Son of Late Sahdeo Sharma, Resident of Village-Kadarganj, P.O.-Parasmani, P.S.-Purniya, District-Purniya.
24. Manoj Singh, son of Late Suraj Singh, Resident of Village and P.O.-Sono, P.S.-Sono, District-Jamui.
25. Surendra Prasad Sharma, Son of Doman Sharma, Resident of Village-Nazri Laxmipur, P.S.-Laxmipur, District-Jamui.
26. Sarvesh Kumar, Son of Late Ram Ishwar Sharma, Resident of Village-Govindpur, P.O.-Fatuha, P.S.-Fatuha, District-Patna.
27. Ajija Begam, Wife of Late Mansur Alam, Resident of Village and P.O.-Kharik, Bazar, P.S.-Bihpur, District-Bhagalpur.
28. Uma Devi, Wife of Late Jai Narayan Sharma, Resident of Village-Bausi Road, P.S.-Bhagalpur, District-Bhagalpur.
29. S. Tabassum, Wife of Late Arif Hussain, Resident of Village-Khirbandh Bausi Road, P.S.-Bhagalpur, District-Bhagalpur.
30. Gopal Prasad Sharma, son of Late Narayan Sharma, Resident of Village and P.O.-Bhawanipur, P.S.-Nawgachhia, District-Bhagalpur.
31. Gopal Jee, son of Late Rajesh Kumar, Resident of Village-Station Road, Ghogha, Athgama, P.S.-Ghogha Athgama, District-Bhagalpur.
32. Umesh Prasad Sharma, Son of Late Kamleshwari Prasad Sharma, Resident of Village and P.O.-Baliyas, P.S.-Banka, District-Banka.
33. Dinesh Sharma, Son of Late Chagan Prasad, Resident of Village and P.O.-Shambhuganj, P.S.-Shambhuganj, District-Banka.
34. Suresh Sharma, Son of Late Shital Sharma, Resident of Village-Naya Bajar, P.S.-Lakhisarai, District-Lakhisarai.
35. Sanjay Kumar, Son of Bhagwan Mistri, Resident of Village and P.O.-Khaira, P.S.-Katihar, District-Katihar.
36. Bhagwan Mistri, Son of Giro Mistri, Resident of Village and P.O.-Khaira, P.S.-Katihar, District-Katihar.
37. Ram Shresth Sharma, Son of Late Ram Chalitar Sharma, Resident of Village and P.O.-Ladaura, P.S.-Kalyanpur, District-Samastipur.
38. Ram Khusi, son of Dineshwar Sharma, Resident of Village-Vimwa Mathiya, P.S.-Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.

2. The Chairman, State Level Committee for Wood-based Industries, Bihar, Patna-cum-Principal Chief Conservator of Forest, Bihar, Patna.
3. The Licensing Officers-cum-Divisional Forest Officer, Samastipur Forest Division, Samastipur.
4. The Licensing Officers-cum-Divisional Forest Officer, Bettiah Forest Division, Bettiah.
5. The Licensing Officers-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga.
6. The Licensing Officers-cum-Divisional Forest Officer, Katihar Forest Division, Katihar.
7. The Licensing Officers-cum-Divisional Forest Officer, Bhagalpur Forest Division, Bhagalpur.
8. The Licensing Officers-cum-Divisional Forest Officer, Jamui Forest Division, Jamui.
9. The Licensing Officers-cum-Divisional Forest Officer, Banka Forest Division, Banka.
10. The Licensing Officers-cum-Divisional Forest Officer, Munger Forest Division, Munger.
11. The Licensing Officers-cum-Divisional Forest Officer, Bhojpur Forest Division, Ara.
12. The Licensing Officers-cum-Divisional Forest Officer, Patna Forest Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Sarvesh Kumar Singh (AAG-13)

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 : 17-01-2022

Heard learned counsel for the parties.

Petitioners have 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 take decision for grant of license under the Bihar Saw Mills (Regulation) Act, 1990 and the Rules framed there under on the basis of

the Report submitted by the State Level Committee to the State of Bihar vide Memo No. 1404 dated 22.07.2020 (**Annexure-4**) 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 Level Committee has already decided 3200 Saw Mills out of 1919 have been fixed to run in the State of Bihar. ii) For issuance of a writ in the nature of mandamus directing the respondents -Licensing Officers to issue new saw mill license to the petitioners under the Bihar Saw Mills (Regulation) Act, 1990 and Rules framed thereunder in the facts and circumstances of the case. (iii) For issuance of the writ in the nature of mandamus directing the respondent authorities not to close down and dismantle the Saw Mills of the petitioners till such time the matters are finally decided by the State Level Committee and approved by the State of Bihar as the Licensing Officer and his sub-ordinate officers are adamant to close down and dismental the saw mills of the petitioners without getting approval of the State Level Committee, Bihar. (iv) 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 petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned, i.e., respondent **no. 2, 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	