

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16475 of 2021

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1. Lal Mohan Saw Son of Keshwar Sao, Resident of Village - Bela Budhan Bigaha, P.S.- Tandwa, District - Aurangabad.
 2. Upendra Mehta, Son of Sri Nain Mehta, Resident of Village- Khaira Tola, Khushihalpur, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through 2021the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Chairman of State Level Committee for Wood- based Industries, Bihar, Patna, Bihar, Patna - cum- Principal Chief Conservator of Forest, Bihar.
3. The Licensing Officer-cum-Divisional Forest Officer, Aurangabad Forest Division, Aurangabad.

... .. Respondent/s

Appearance :

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

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 : 21-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s):

“(i) For issuance of a writ in the nature
or mandamus directing the



Respondent no.2-Chairman of State Level Committee for Wood-based Industries, Bihar to dispose of the petition dated 27.1.2018 (Annexure-3) filed by the petitioners for grant of license under Bihar Saw Mills (Regulation) Act, 1990 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 of Bihar vide Memo No. 406 dated 3.12.2015 has already constituted State Level Committee under the Chairmanship of the Principal Chief Conservator of Forest, Bihar.

(ii) For issuance of a writ in the nature of mandamus directing the Respondents not to take any coercive action against the petitioners till the disposal of the petition dated 27.1.2018 in the facts and circumstances of the case.

(ii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, 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).



4. 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 four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in 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;

7. The petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2022
Transmission Date	

