

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17917 of 2021

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M/S Upendra Saw Mill, Bajitpur- Manigachi, P.S.- Manigachi, District- Darbhanga, a Proprietorship firm through its Power of Attorney Holder Manoj Kumar Thakur, aged about 35 years- Male, Son of Late Upendra Thakur, Resident of Ward No. 02, Bajitpur, P.S.- Manigachi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Chairman of the State Level Committee for Wood Based Industries-cum-The Principal Chief Conservator of Forest, Bihar.
3. The Licensing Officer-cum- Divisional Forest Officer, Mithila Forest Division, Darbhanga.
4. The Incharge Forester, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Anant Prasad Singh (SC15)

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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 : 29-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of a writ in the nature of certiorari for quashing of the seizure list dated 2.7.2021 (**Annexure-P-6**) prepared by the In charge Forester, Darbhanga whereby the saw mill has been seized situated over the land appertaining to Khata No. 390, Khesra No. 255 & Khata No. 54, Khesra No. 13, Mauza- Bajitpur, P.S.- Manigachhi, District- Darbhanga

as the Forester is not authorised to make inspection, search and seizure of saw mills in terms of section 8 of the Bihar Saw Mills (Regulation) Act 1990 and the same is also contrary to the decision of the State Level Committee dated 27.5.2020.

(ii) For issuance of a writ in the nature of mandamus directing the Respondent No. 3 to allow the petitioner to run his saw mill over the newly place appertaining to Khata No. 390, Khesra No. 255 & Khata No. 54, Khesra No. 13, Mauza -Bajitlpur, P.S. Manigachhi, District-Darbhangha in the facts and circumstances of the case.

(iii) For issuance of a writ in the nature of mandamus directing the Respondent No. 3 to seize and confiscate the illegal saw mill in exercise of its power under section 8 & 13 of the Bihar Saw Mills (Regulation) Act, 1990 if the illegal saw mill is operated by any person over the old land appertaining to Khata No. 284, Khesra No. 4833 (Old Place) for which here is no grievance of the petitioner.

(iv) 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 i.e. **(Respondent No. 3, the Licensing Officer-cum- Divisional Forest Officer, Mithila Forest Division, Darbhanga)** 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 one month 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 one month 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	