

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18337 of 2021

=====

M/S Om Timber, Manjhaur, P.S.- Nanpur, District- Sitamarhi, a proprietorship firm through its Proprietor Ramkeshi Sharma, aged about 45 years (Male), Son of Sonelal Sharma, Resident of Village- Malikpur, P.S.- Jaley, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

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

=====

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.

2. Petitioner has 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 dispose of the petition dated 15.07.2021 (**Annexuer-3**) filed by the petitioner to grant approval to the Licensing Officer-cum-Divisional Forest Officer, Sitamarhi Forest Division, Sitamarhi to transfer/renew the License No. 67 of 1995 in

favour of the petitioner on the basis of sale in terms of the Resolution dated 11.11.2016 framed by the Ministry of Environment, Forest and Climate Change, Government of India in compliance of the order dated 5.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995.

(ii) For issuance of a writ in the nature of mandamus directing the Respondents not to take any coercive action against the petitioner till the disposal of the petition dated 15.07.2021 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.”

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. 2, The Chairman of State Level Committee For Wood- Based Industries, Bihar, Patna-cum- Principal Chief Conservator of Forest, Bihar)** 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	