

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21203 of 2021

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1. Urmila Devi, Wife of Late Rajendra Sharma, Resident of Village- Mishraulia, Ward No. 12, Chandanpatti, P.S.- Sakara, District- Madhubani.
 2. Raghunadh Kumar Sharma, Son of Late Rajendra Sharma Resident of Village- Mishraulia, Ward No. 12, Chandanpatti, P.S.- Sakara, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The Chairman State Level Committee for Wood- Based Industries, Bihar- Cum- Principal Chief Conservator of Forest, Bihar, Patna.
3. The Conservator of Forest- Cum- Appellate Authority Muzaffarpur Circle, Muzaffarpur.
4. The Licensing Officer- Cum- Divisional Forest Officer Tirhut Forest Division, Muzaffarpur.
5. Vishwanath Sharma, Son of Late Rajendra Sharma Resident of Village- Mishraulia, Ward No. 12, Chandanpatti, P.S.- Sakara, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad, GP 14
Mr. Manoj Kumar Manoj, Advocate

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 : 11-02-2022

Petitioners have prayed for the following relief(s):-

“(I) For issuance of a writ in the nature of certiorari for quashing of the order dated 30.12.2020 (Annexure- 6) passed by the Conservator of Forest- Cum-Appellate



Authority, Muzaffarpur Circle , Muzaffarpur in Appeal No. 01 of 2020 whereby the order vide Memo No. 2596 dated 21.12.2020 (Annexure- 5) passed by the Licensing Officer-Cum- Divisional Forest Officer, Tirhut Forest Division , Muzaffarpur is set aside and direction was issued to the Respondent No. 4- Licensing Officer not to add the name of the petitioners in the saw mill license and the Respondent No.5-Vishwanath Sharma is allowed to run the saw mill as the order passed by the Respondent No. 3 without hearing the petitioners.

(ii) For issuance of writ in the nature of mandamus directing the Respondent No.4- Licensing Officer not to renew the license in favour of Respondent No.5 for operation of the Saw Mill in terms of the order dated 13.12.2020 passed by the Respondent No.3 in the facts and circumstances of the case.

(iii) For issuance of writ in the name of mandamus directing the Respondent No.4-Licensing Officer to renew the license in favour of the petitioner alongwith the Respondent No. 5 for operation of saw mill in terms of the order dated 21.12.2020 passed by the Respondent No.4 as well as the decision of the State Level Committee for Wood-Based Industries, Bihar dated 27.05.2020 in the facts of circumstances of the case.

(iv) For issuance of other writ (s), order(s), direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.”

Order dated 30.12.2020 passed by the Conservator of Forest-cum-Appellate Authority, Muzaffarpur Circle, Muzaffarpur in Appeal No. 01 of 2020 (Annexure-6, Page 33) is quashed and set aside, similarly on the ground that prior thereto, no opportunity of hearing was afforded to the writ petitioners,



who, undoubtedly, are necessary and proper parties, allegedly being the legal heirs of the original licence holder.

The dispute, as emanates from the record, is *inter se* between the legal heirs of late Rajendra Sharma. Petitioners claim to be legal heirs, being wife and son respectively, along with the private respondent no. 5, namely, Vishwanath Sharma, who also claims to be the son of the original licence holder. Prior to the passing of the impugned order, no opportunity of hearing was afforded to the present petitioners.

As such, on this short ground alone, order dated 30.12.2020 passed by the Conservator of Forest-cum-Appellate Authority, Muzaffarpur Circle, Muzaffarpur in Appeal No. 01 of 2020 (Annexure-6, Page 33) is quashed and set aside with the direction to the petitioners herein and private respondent No. 5, namely, Vishwanath Sharma, to appear before the appellate authority on 28.02.2022, who shall, positively decide the appeal after hearing the parties within a period of two months thereafter.

Learned counsel for the State states that the parties be directed to facilitate the process of early disposal of appeal.

Parties undertake not to take any unnecessary adjournment in the proceedings.



Instant petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2022
Transmission Date	

