

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.377 of 2022

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M/S Shambhu Oil and Saw Mill Mohanpur P.S.- Raiyam District - Darbhanga
a proprietorship firm through its Proprietor Smt. Meera Devi, aged about 51
years- Female, wife of Sri Ramesh Prasad Gupta, Resident of Village -
Mohanpur P.S.- Raiyam, District - Darbhanga.

... .. 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 Licensing Officer-Cum-Divisional Forest Officer, Mithila Forest Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv
For the Respondent/s : Mr.Raghwanand (GA11)

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(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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 11-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(I) For issuance of a writ in the nature of mandamus directing the Respondent No. 2 Chairman State Level Committee for Wood based Industries, Bihar cum Principal Chief Conservator of Forest, Bihar, Patna to dispose of the representation of the petitioner dated 05.01.2021 (annexure-3) requesting him to grant approval to the Licensing Officer to transfer/renew the License of Saw Mill bearing license No. 1832 dated 22.08.1994 in favour of the petitioner in terms of the Wood Based Industries (Establishment & Regulation) Guidelines, 2016 framed by the Government of India and Bihar Wood-Based Industries (Establishment & Regulation) Bill, 2020

and the aforesaid representation is still pending for the aforesaid representation is still pending for consideration before the Chairman of the State Level Committee for Wood Based Industries, Bihar, Patna.

(ii) For issuance of a writ in the nature of mandamus directing the respondent authorities not to disturb the smoothly running the saw mill under the control and possession fo the petitioner till such time the matter finally decided by the State Level Committee for Wood Based Industries, Bihar Patna, in the facts and circumstances of the case.”

After the matter was heard for some time, 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 Chairman, State Level Committee for Wood - Based Industries, Bihar -Cum- Principal Chief Conservator of Forest, Bihar, Patna**, 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).

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 three 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 on 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA