

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.797 of 2020

=====

Rameshwar Sharma @ Ramesh Kumar Sharma S/o Late Mahendra Sharma
@ Mahendra Prasad Sharma R/o Village- Kauwaha, Areraj, P.O.- Manguraha,
P.S.- Gobindganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Principal Secretary, Department of Forest and Environment, Bihar, Patna.
3. The Principal Chief Conservator of Forest cum Chairman State Level Committee, Technology Bhawan, Bailey Road, Patna.
4. The Regional Chief Conservator of Forest, Bihar, Muzaffarpur.
5. The Conservator of Forest (Head quarter) Office, Principal Chief Conservator of Forest, Bihar, Patna.
6. The Conservator of Forest, Forest Circle, Muzaffarpur.
7. The Conservator of Forest, Forest Circle, Siwan.
8. The Licensing Authority cum Divisional Forest Officer, East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Manoj, Adv
For the Respondent/s	:	Mr.Sarvesh Kr. Singh (AAG13)

=====

(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):-

“That this application is for issuance of appropriate writ/writs by commanding the Respondents specially Respondent no. 3 to consider and to take decision for

issuance of new License of saw mill to petitioner pertains to Application/Case no. WBI 2397 of 2012 in light of letter bearing Memo no. 4016 dt. 31.12.2015 issued by Respondent no. 2 (Annexure-6) within a time frame and further direction accordingly to accept requisite fee and form for issuance of license by Respondent No. 8 in stipulated period, in the interest of justice.”

After the matter was heard for some time, learned counsel for the petitioner states that petitioner shall apply afresh inviting attention of the authorities of the changed circumstance for award of licence under the provisions of the Bihar Saw Mill Regulation Act, 1990 as well as guidelines issued by the Central and State Govts., for wood based Industries (Establishment & Regulation) Guidelines, 2016.

It is observed that there be any change in the circumstances, it shall be open to the petitioner to apply and the authorities to consider the petitioner’s case in the light of the statutory provisions, including the Bihar Saw Mill Regulation Act, 1990 and the Rules framed thereunder as well as guidelines issued for wood based Industries.

Learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **respondent no. 3 the Principal Chief Conservator of Forest cum Chairman State Level Committee, Technology Bhawan, Bailey Road, Patna** to consider and decide the

representation which the petitioner shall be filing 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 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 three 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ranjan/K.C. Jha-

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