

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.690 of 2020

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Jai Karan Sharma S/o Balmukund Sharma Resident of Village- Gondapur,
P.s.- Nawada, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment and Forest Department, Govt. of Bihar, Patna
2. The Principal Chief Conservator of Forest Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna
3. The Conservator of Forest Cum Prescribed Officer Gaya Circle, Gaya
4. The Licensing Officer cum Divisional Forest Officer Nawada Forest Division, Nawada
5. Rajesh Kumar Singh S/o Laxmi Narayan Singh Resident of Mohalla- Jagdeo Nagar, By-Pass Chowk, Aurangabad, P.s.- Aurangabad, District- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Anant Prasad Singh (SC 15)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2022

Petitioner has prayed for the following relief(s):

“i) For issuance of a writ in the nature of certiorari for quashing of the order dated 9.11.2019 bearing Memo No. 1470 dated 21.11.2019 (Annexure-P-4) passed by the Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya in Appeal Case No. 1 of 2013



whereby the order of cancellation of license no. 70 of 1997 dated 17.12.2012 (Annexure-P-3) passed by the Licensing Officer-cum-Divisional Forest Officer, Nawada Forest Division, Nawada has been affirmed and the Appeal Case No. 1 of 2013 has been dismissed without taking into consideration of the legal aspect of the matter.

ii) For issuance of writ in the nature of Mandamus directing the respondents to restore the license and to accept the application for renewal of the license for the period 2000 to 2024 in the facts and circumstances of the case.

iii) For issuance of writ in the nature of Mandamus directing the respondents not to take any coercive steps against the petitioner till the disposal of the present writ application in the facts and circumstances of the case.

iv) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

Learned counsel for the petitioner submits that the similar issue has already been dealt with and decided by a learned Single Judge on 13th of October, 2017 in C.W.J.C. No. 24763 of 2013, titled as M/s. Vishwakarma Furniture Works Vs. The State of Bihar & Ors. As such, the present writ application may be disposed of in terms thereof.

Having heard learned counsel for the parties as also gone through the judgment passed by the learned Single Judge,



we find that similar issue stands involved in the present case also.

As such, we dispose of the present petition in the following terms:

(a) Directions contained in the judgment dated 13th of October, 2017 in C.W.J.C. No. 24763 of 2013, titled as M/s. Vishwakarma Furniture Works Vs. The State of Bihar & Ors. shall also govern the instant case *mutatis mutandi* to the extent possible;

(b) Order dated 09.11.2019, bearing Memo No.1470 dated 21.11.2019, passed by the Conservator of Forest-cum-Prescribed Officer, Gaya Circle, Gaya in Appeal Case No. 1 of 2013 (Annexure-P/4) and the order dated 17.12.2012 passed by the Licensing Officer-cum-Divisional Forest Officer, Nawada Forest Division, Nawada (Annexure-P/3) are quashed and set aside.

Licence of the private respondent is restored and he shall be entitled to the renewal thereof all through, which should be granted within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2022
Transmission Date	

