

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4216 of 2019

1. M/s Anand Saw Mill and Ors Supaul Bazar, Biraul, P.S. Biraul, District Darbhanga a proprietorship firm through its Proprietor Ramcharitra Nayak aged about 38 years Male son of Late Nemi nayak, R/o Supaul Bazar Biraul, P.S. Biraul, District Darbhanga
2. M/S Poonam Saw Mill Mahinam, P.S. Benipur, District Darbhanga a proprietorship firm through its Proprietor Ram Naresh Jha aged about 43 years Male, Son of Late Bacha Jha, R/o Village Mahinam, P.S. Benipur, District Darbhanga
3. M/S Shankar Chirai Mill Kelwagach Panjob, P.S. Darbhanga, District Darbhanga a proprietorship firm through its Proprietor Smt. Sujan Devi aged about 52 years female, wife of Late Rajendra Sharma, R/o Village Kelwagach Panjob, P.S. Darbhanga, District Darbhanga
4. M/S Mahavir Saw Mill Shankar Lohar Bithauli, P.S. Baheri, District Darbhanga a proprietorship firm through its Proprietor Birendra Sharma agea about 46 years male, Son of late Mahavir Sharma, R/o Village Shankar Rohar, Bithauli, P.s. Baheri, District Darbhanga
5. M/S Laxmi Timber Tektar P.S. Kamtaul, District Darbhanga, a proprietorship firm through its proprietor Lalit Kumar aged about 42 years male, Son of late Parasnath Jha, R/o Village Tektar, P.S. Kamtaul, District Darbhanga

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.
For the Respondent/s : Mr. Subodh Kumar Mishra, AC to GP 14

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-09-2023

Heard Mr. Vinay Mistry, learned counsel for the
petitioners and Mr. Subodh Kumar Mishra, learned counsel for



the State.

2. The petitioners by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution seek the following reliefs:

“i) For issuance of writ in the nature of Certiorari for quashing of the Order bearing Memo No.115 dated 22.1.2019, Memo No.116 dated 22.1.2019, Memo No.117 dated 22.1.2019, Memo No.118 dated 22.1.2019 and Memo No.119 dated 22.1.2019 (**Annexure-6 series**) passed by the Licensing Officer-cum- Divisional Forest Officer, Mithila Forest Division, Darbhanga whereby the license granted to the petitioners has not been restored and the permission to run the Saw Mill has been rejected as no approval was taken by the Licensing Officer from the State Level Committee before issuance of the impugned order.

ii) For issuance of writ in the nature of Mandamus directing the respondent no.2- State Level Committee of Wood Based Industries -cum- Chairman Principal Chief Conservator of Forest, Bihar Patna to look into the matter as the Hon'ble Supreme Court vide its order dated 5.10.2015 has specifically directed that the State Level Committee of Wood Based Industries is authorized to take decisions regarding the grant of license/permission to the Wood Based Industries.

iii) For issuance of writ in the nature of Mandamus directing the respondents not to take any coercive action against the petitioners 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.”



3. It is submitted on behalf of the petitioners that pursuant to the order of the Hon'ble Supreme Court in Writ Petition (Civil) No. 202 of 1995, a State Level Committee has been constituted by the State of Bihar vide notification No. 769 dated 28.02.2017 which is the Competent Authority to consider the grievance of the petitioners with regard to grant of license. He further submits that for ventilating their grievance they had filed detailed representation before The Chairman, State Level Committee of Wood Based Industries-cum-Principal Chief Conservator of Forest, Bihar, Patna way back on 15.05.2017 but the same has not been disposed of till date. Petitioners are confining their relief only to the extent that if the aforesaid representation would be disposed of by the State Level Committee they would be satisfied.

4. Learned counsel for the State has no objection.

5. Considering the limited prayer of the petitioners, the writ petition stands disposed of with a direction to the respondent no. 2 to consider the representation of the petitioners and bring it to its logical conclusion.

6. It is needless to observe that the representation as contained in annexure P/4 is of the year 2017, and became so olden and as such the petitioners would be at liberty to file



fresh representations before the concerned respondent no. 2 within a period of four weeks from today. If such representations would be filed within the period stipulated, the respondent no. 2 shall consider the same and dispose of within a further period of eight weeks, in accordance with law.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	23.09.2023
Transmission Date	N.A.

