

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5646 of 2023

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Ram Anurag Prasad Son of Khobhari Sah @ Khobari Prasad Resident of
Village-Bhaurgarh, P.S.-Nanpur, District-Sitamarhi.

... .. 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 Principal Chief Conservator of Forest, Bihar, Patna.
4. The Licensing Officer-Cum-Divisional Forest Officer, Sitamarhi Forest Division, Sitamarhi.
5. Most. Bhagwati Devi Wife of Late Maheshi Thakur Resident of Village-Baligarh, P.S.-Runni Saidpur, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-09-2023

Heard Mr. Vinay Mistry, learned counsel appearing on
behalf of the petitioner and Mr. Tej Pratap Singh, learned AC to
AAG-13.

2. The petitioner by filing the present writ application
seeking the following reliefs:

*(i) For issuance of a writ in the
nature of certiorari for quashing of the order
bearing Memo No.1349 dated 28.06.2022
(Annexure-8) passed by the Principal Chief
Conservator of Forest, Bihar, Patna whereby
the request for transfer of license of saw mill
on the basis of "Sale" has been refused on*



the ground that since the Bihar Wood-Based Industries (Establishment & Regulation) Bill, 2020 has not been come into operation in the State of Bihar and there is no provision of transfer of license under Bihar Saw Mills (Regulation) Act, 1990.

(ii) For issuance of a writ in the nature of mandamus directing the Respondent No.1 either to make an amendment in the Bihar Saw Mills (Regulation) Act, 1990 and the Rules framed there under or to frame a Resolution for transfer of license on the basis of sale till such time the Bihar Wood-Based Industries (Establishment & Regulation) Bill, 2020 is come into operation in the State of Bihar.

(iii) For issuance of a writ in the nature of mandamus directing the respondent authorities not to close down and dismantle the saw mills of the petitioner at Bhaurgarh, P.S.-Nanpur, District- Sitamarhi till such time the matter is finally decided by the State Level Committee for Wood-Based Industries, Bihar, Patna in the facts and circumstances of the case.

(iv) For issuance of a writ in the nature of mandamus directing the Respondent No.4 not. to pass order for change the location of saw mill under Rule 4(g) of the Bihar Saw Mills (Regulation) Rules, 1993 on the basis of the application, if any, filed by the Respondent No.5 for change the location of saw mill from Bhaurgarh, P.S.-Nanpur, District- Sitamarhi to any other newly place without hearing the petitioner in the facts and circumstances of the case.

(v) 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.

3. It is submitted on behalf of the petitioner that initially the saw mill license was granted in favour of Maheshi Thakur by the Licensing Officer bearing License No. 443 of 1999 for operation of saw mill. After the death of said Maheshi Thakur, Most. Bhagwati Devi, who is said to be widow of Late Maheshi Thakur, sold her saw mill in favour of the petitioner on receipt of full consideration price of Rs. 10,00,000/- on 26.08.2015 and handed over the saw mill along with License No. 443 of 1999 to him, as depicted from the sale deed – cum – declaration dated 26.08.2015 (Annexure – 2).

4. Mr. Mistry further submitted that, in the meantime, Hon'ble Supreme Court in writ petition (P No. 202 of 1995) directed each of the State and Union Territory to constitute a State Level Committee under the Chairmanship of Principal Chief Conservator of Forest and the State Level Committee is authorized to take decision in the matter for grant of license/permission to the Wood-Based Industries.

5. In terms of the aforementioned judgment/direction the Government of India has framed a Guideline as Wood-Based Industries (Establishment & Regulation) Guidelines, 2016. Section 8(i) of the Guidelines, 2016 contemplates that “No



license to a Wood-Based-Industrial Units shall be granted or renewed without obtaining prior approval of the State Level Committee”. Section 8(vi) of the aforementioned Guideline further contemplates that “Transfer of License on sale/succession etc. shall be done only with the approval of the State Level Committee.” He next submits that for ventilating his grievance he has filed a detailed representation before the Respondent no. 2 Chairman, State Level Committee for Wood-Based Industries, Bihar – cum – Principal Chief Conservator of Forest, Bihar, Patna on 21.03.2023, but the same has not been disposed of till date, compelling the petitioner to approach before this Court.

6. On the other hand, learned counsel for the respondent submits that since the matter is pending before the authorized officer/respondent authorities, the same would be considered and disposed of, in accordance with law.

7. Having considered the submissions made on behalf of the parties, the present writ petition stands disposed of with a direction to the respondent no. 2 to consider the application of the petitioner dated 21.03.2023 and pass necessary reasoned and speaking order preferably within a period of 12 weeks, in accordance with law.

8. It is expected that the respondent authorities will



not precipitate the matter, till final order is passed by the respondent and the petitioner will also participate in hearing of the matter, in case the same is required for its effective disposal.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2023.
Transmission Date	NA

