

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9327 of 2019

Kishundev Mahto aged about 39 yrs. (Male) son of Ram Nath Mahto
Resident of Village: Rajpur, P.S.: Sahodara, District: West Champaran

Versus

Petitioner

1. The State of Bihar through the Chief Secretary, Bihar at Patna
2. The Principal Secretary, Forest, Bihar at Patna
3. The Principal Chief Conservator of Forest, Bihar at Patna
4. The Conservator of Forest, Bihar at Patna
5. Mr.Ambarish Kumar Mall, the D.F.O., Bettiah Division, West Champaran
6. The Forest Range Officer, Ramnagar Range, District: West Champaran
7. The Vanpal, Narkatiaganj, Ramnagar Range, District: West Champaran

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate
For the Respondent/s : Mr.Dhurjati Kr. Prasad (GP-14)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-07-2023 Heard Mr. Amarendra Nath Verma learned counsel
for the petitioner and Mr. Dhurjati Kumar Prasad Learned GP-
14 for the State.

The petitioner has moved before this court
challenging the memo No. 533 dated 11.03.2019 passed by the
Divisional Forest Officer, Bettiah Forest Division, Bettiah by
which the earlier permission granted by the same office vide
memo no. 366 dated 18.02.2019 was cancelled.

The matter relates to permission sought for by the
petitioner for felling of 238 trees which according to him is his
own land and thereafter, on the report of the ground officials, the
earlier Divisional Forest Officer had granted permission which



later was annuled and that has been questioned before this Court.

It is the case of the learned counsel for the petitioner that pursuant to the said order some trees were brought down but that was seized pursuant to the order in question and till date nothing has happened.

Mr. Dhurjati Kumar Prasad, learned G.P 14, on the other hand, with the help of counter affidavit submits that the said land comes within the Balmiki Nagar Tiger Reserve as per Government Notification no. 136 dated 06.03.1990. It is his further submission that with the help of the counter affidavit that the '*Jamabandi*' done in favour of the petitioner was erroneous and request has already been sent to the concerned District Magistrate, West Champaran, Bettiah vide letter no. 456 dated 15.04.2019 and 591 dated 21.05.2019 for canceling the same. He also submits that the order in question is perfectly justified. His last submission is that the ground officials submitted report for granting permission have also been acted upon and show cause notices issued to them.

There is disputed question of facts *inasmuch* as while the petitioner submits that it is his own land, the stand taken by the State is otherwise, in that view of the matter, when the two



officials have taken two different stands, it would be appropriate that the respondent no. 3 the Conservator Of forest, Bihar, Patna pass a reasoned order.

Ordered accordingly.

If the petitioner prefers a representation before the concerned respondent no. 4, he shall put the office of the respondent no. 5 District Forest Officer, Bettiah Division, West Champaran on notice and after hearing both the sides and taking into account all the updated documents which include the action taken against the concerned officials, (who were put on show cause notices as averred in the counter affidavit) pass an appropriate order within a period of three months.

The present writ petition stands disposed of with the aforesaid observation

(Rajiv Roy, J)

Jagdish/Jyoti/-

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