

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12234 of 2023

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Lalan Rai @ Lalan Ray S/o Triveni Rai, Resident of village- Khutwara, P.O. - Kawariya, P.S. - Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Environmental Forest and Weather and Climate Change Department, Govt. of Bihar.
2. The Conservator of Forest, Purnea.
3. The District Forest Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand with Ms. Sarita Kumari, Advocates
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13 with Mr. Ravi Kumar, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-10-2023

Heard Mr. Vijay Anand, learned counsel appearing on behalf of the petitioner and learned counsel for the State.

2. The petitioner by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution seeking a direction commanding upon the respondent no. 3 to grant him Saw Mill license in terms of the application submitted by the petitioner in Form (क) Sub-Rule (क) of Rule 3 of the Bihar Saw Mill Regulation Act in compliance of Memo No. 2083 dated 08.06.2023 issued under the signature of the Deputy Secretary, Environmental, Forest and Department of Climate Change, Patna.



3. It is submitted on behalf of the petitioner that on 27.09.2002, the petitioner applied for an application in Form (क) Sub-Rule (क) of Rule 3 of the Bihar Saw Mill Regulation Act, 1990 for grant of Saw Mill license. However, in terms of the order of the Hon'ble Apex Court dated 12.12.1996 passed in PIL No. 202 of 1995 (Godaverman Primulakpad Vs. The Union of India), the Government of Bihar came out with Letter No. 418 dated 08.01.2002 whereby a decision has been taken to confine the number of Saw Mill on the basis of sustainable capacity of forest and no fresh license of Saw Mill issued to anyone after 12.12.1996. He further submits that in the meantime, the Department of Environment and Forest again came out with Resolution No. 76/2007-2675 dated 30.08.2010 by which the recommendation of the Central Empowered Committee dated 11.06.2008 as well as the order of the Hon'ble Supreme Court dated 04.06.2009 by which the recommendation of Central Empowered Committee was accepted by the Apex Court. The Resolution also categorically specified the criteria for determination of seniority list.

4. He next submits that recently the Government of Bihar came out with Resolution No. 14/12 dated 08.06.2023 by which a decision has been taken that any person who applied for



grant of Saw Mill license or whose application filed on or before 29.10.2002, they shall be given priority while granting fresh license in terms of Resolution No. 14/12 dated 08.06.2023.

5. In the aforesaid backdrop, learned counsel for the petitioner submits that despite the application having been filed by the petitioner for grant of Saw Mill license on 27.09.2002, the same has not been taken to its logical conclusion in terms of Resolution dated 08.06.2023 compelling the petitioner to approach before this Court.

6. The prayer of the petitioner is limited to the extent that his application be considered in light of the afore-noted resolution dated 08.06.2023 and necessary order be passed in the matter of grant of Saw Mill license.

7. On the other hand, learned counsel for the State submits that since the application of the petitioner is pending consideration before the respondent no. 3, necessary order shall be passed by him.

8. In view of the materials available on record and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with a direction to the respondent no. 3 to consider the application of the petitioner dated 27.09.2002 in light of the facts enumerated above, especially in terms of



Memo No. 2083 dated 08.06.2023 and pass necessary order, in accordance with law, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.10.2023
Transmission Date	N.A.

