

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5179 of 2023

1. M/S Ranjeet Saw Mills, Represented by Rohit Kumar ,Power of Attorney Holder Mouza- Motipur Halkhorwa, P.O. and P.S. - Jagdishpur, District - West Champaran. At present, Kathaiya Bisunpura Nautan, P.O. and P.S. Jagdishpur West Champaran, PIN CODE- 845438.
2. Rohit Kumar Son of Hanuman Prasad, Resident of Mohalla - Lal Bazar, P.O. and P.S. - Bettiah, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, West Champaran, Bettiah
2. The Conservator of Forest cum Field Director Valmiki Tiger Reserve Forest, Bettiah, West Champaran.
3. The Divisional Forest Officer, cum Anugayapan Padadhikari Bettiah Forest Division, West Champaran.
4. Ratnesh Prasad, Son of Late Gauri Shankar Prasad, Resident of Village - Hari Batika Chow, Bettiah P.O. and P.S. - Bettiah Town, District - West Champaran.
5. Binod Prasad Son of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
6. Pramod Prasad Son of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
7. Santosh Prasad Son of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
8. Subodh Prasad, Son of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
9. Sunila Devi, Daughter of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.
10. Sunita Devi, Daughter of Late Gauri Shankar Prasad, Resident of Village - Radia, P.O. and P.S. - Gobindganj, District - East Champaran. Present address - Bazar Samiti Road Narkatiyaganj, P.S. Shikarpur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kumar Tiwary, Advocate Mr. Ashok Kumar, Advocate Mr. Lokesh, Advocate
For the Respondent/s	:	Mr.Sarvesh Kumar Singh , AAG-13



Mr. Arya Achint, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-08-2024 Heard the parties.

2. The present petition has been preferred for issuance of writ, writs, direction or directions specially respondent no.2 and 3 to functioning of M/S Ranjeet Saw Mill be restored which was ordered to be stayed vide letter no. 1839 dated 01.11.2021 (Annexure-4) and for quashing of the order of Appeal No. 01/2022 dated 31.01.2023 passed by the respondent no.2 (Annexure-7).

3. The original license holder of the license no. 21 of 1999 was earlier cancelled on 29.4.2011 and later set aside by the Appellate Authority on 13.07.2011.

4. From the writ petition, it appears that on 06.04.2011 itself, Gauri Shankar Prasad executed Power of Attorney in favour of Rohit Kumar for the functioning of his Saw Mill namely Ranjeet Saw Mills. This followed registered Will in favour of the petitioner no.2 on 13.06.2012 as per the petitioners. Gauri Shankar Prasad died on 08.09.2021. Later, his son, Ratnesh Prasad filed an application before the licensing authority to stay the license no. 21 of 1999 in which the order dated 01.11.2021 came to be passed directing the petitioner no.2



to get an order from the competent Civil Court.

5. The appeal was filed which came to be disposed of on 31.01.2023 (Annexure-7 to the petition) in which the Appellate Authority chose not to interfere with the order dated 01.11.2021 which has been challenged in the writ petition.

6. Learned counsel for the petitioners after some argument submit that since Probate Case No. 01 of 2022 is pending before the court of learned District Judge, West Champaran, Bettiah against the legal heirs of late Gauri Shankar Prasad (Rohit Kumar vs. Ratnesh Prasad) for declaring the ownership of M/s. Ranjeet Saw Mills, the same be expedited.

7. Though, a counter affidavit has been filed on behalf of the respondents, they do not have any objection to the said prayer.

8. In that background, the writ petition stands disposed of with a direction to the learned District Judge, West Champaran, Bettiah to take up the matter (Probate Case No. 01 of 2022) and dispose it of expeditiously.

(Rajiv Roy, J)

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