

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9977 of 2023

-
1. Lalit Sharma Son of Raja Ram Sharma, Resident of village- Khajurbara, P.S.- Kamtaul, District - Darbhanga.
 2. Dhanraj Mahto, Son of Late Asharfi Mahto, Resident of village - Malpatti, P.S. - Kamtaul, District - Darbhanga.
 3. Satish Sharma @ Satish Kumar Thakur, Son of Mohan Sharma, Resident of village- Madhupur Tektand, P.S. - Singhwara, District- Darbhanga.
 4. Nagendra Sharma @ Chulahi Thakur, Son of Late Ram Badan Thakur, Resident of village - Dhamad Tola, P.S. - Jaley District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest-cum-Chairman of State Level Commiittee for Wood-based Industries, Bihar, Patna.
3. The Licensing Officer-cum-Divisional Forest Officer, Mithila Forest Division, Darbhanga.
4. The Forester, Singhwara, P.S. - Singhwara, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh (AAG 13)
		Mr. Abhinav Alok, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2024 Heard Mr. Vinay Mistry, learned counsel for the
petitioners and Mr. Abhinav Alok, learned AC to AAG-13.

2. The present writ petition has been filed for the
following relief(s):-

“i) For issuance of a writ in the nature
of certiorari for quashing of the seizure list
dated 24.05.2023 (Annexure-2 series) effected
by the Forester, Singhwara, Darbhanga
whereby the Band Saw & Trolley of the
petitioners have been seized under Section 8



of the (Bihar Saw Mills Regulation) Act, 1990 as the Forester is not authorized to make inspection, search and seizure of saw mill under section-8 of the (Bihar Saw Mills Regulation) Act, 1990.

ii) For issuance of a writ in the nature of Mandamus directing the Respondents authorities to release the seized materials in favour of the petitioners SO that the petitioners could run the business for their livelihood in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that Section 8 of the Bihar Saw Mills (Regulation) Act, 1990 (for brevity ‘the Act, 1990) provides power of entry, inspection, search, seizures, etc. From perusal of the seizure list, it appears that nothing incriminating has been recovered from the premises of the petitioners which comes within the purview of the subject matter of ‘the Act, 1990. Learned counsel for the petitioners submits very fairly that petitioners are neither the licensee nor have they applied for the same and the authorities have no power under Section 16 of ‘the Act, 1990’ to inspect the premises of the petitioners.

4. It appears from the seizure list that some articles were recovered from the premises of the petitioners and under Section 5 of ‘the Act, 1990’, a process is required to obtain license under this Act for establishment and operation of the saw



mills and learned counsel for the petitioners admit that the petitioners are neither the licensee nor have they applied for the same.

5. Considering the above facts and circumstances and the submissions advance on behalf of the petitioners, this Court finds that the instant petition does not require any intervention. The same is, hereby, dismissed.

(Rajesh Kumar Verma, J)

perwez

U			
---	--	--	--

