

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11925 of 2023

M/s Punam Saw Mill Ausi- Babhangawan, P.S.-Wishfi, District-Madhubani, Bihar, a proprietorship firm through its proprietor Rajesh Kumar Sharma, aged about 43 years- (Male), son of Ramashish Sharma, Resident of Village-Nariyal Tola, Ward No. 15, P.S.- Kewati, District- Darbhanga.

... .. 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, Mithila Forest Division, Darbhanga.
5. Most. Punam Devi, W/o Late Jai Bhagwan Agrawal, Resident of Mohalla-Jainagar, P.S.- Jainagar, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv
For the Respondent/s : Mr. Anant Pd. Singh (SC15)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-08-2024 Heard Mr. Vinay Mistry, learned counsel for the
petitioner and the State.

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

*(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- 5) 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 State Level Committee for Wood-Based Industries to decide the representation of the petitioner dated 12.06.2023 (Annexure-4) filed for transfer of license on the basis of sale in favour of the petitioner- Rajesh Kumar Sharma in terms of the Wood-Based Industries Establishment and Regulation) Guidelines, 2016;

(iii) 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;

(iv) for issuance of a writ in the nature of mandamus directing the respondent authorities not to interfere the operation of saw mill of the petitioner 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;

(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. The submission of learned counsel for the petitioner is that this petition is pending before the Chairman State Level Committee Wood-Based Industries, Bihar patna since 12.06.2023 where he made a representation (Annexure-4 to the petition). He submits that the same is still awaiting disposal.

4. Learned State Counsel submits that if the proper representation is on record, the same shall be disposed of in the next three months, if not disposed of.

5. In that background, the writ petition stands disposed of with a direction to the concerned authority to dispose of the representation of the petition dated 12.06.2023.

(Rajiv Roy, J)

Vijay Singh/-

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