

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13915 of 2023

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M/S Jai Bajrang Saw Mill, Lalapur, P.S.-Kudra, District- Kaimur A proprietorship Firm through its proprietor Lalan Sharma, aged about 53 years- Male, son of Late Kabilash Sharma, Resident of Village- Lalapur, P.S.-Kudra, District- Kaimur.

... .. Petitioner/s

Versus

1. That 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 Prescribed Officer -Cum-Conservator of Forest, Wildlife Circle, Patna.
4. The Licensing Officer-Cum-Divisional Forest Officer, Kaimur Forest Division, Bhabhua.
5. Vidya Sagar Singh, son of Jhulan Rai, Resident of Village-Nuaon, P.S.-Nuaon, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.
For the Respondent/s : Mr. Dhurjati Kr. Prasad (Gp14)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2024 Heard the parties.

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 dated 04.09.2012 (Annexure-2) passed by the Prescribed Officer-Cum-Conservator of Forest, Wildlife Circle, Patna in Appeal No. 02 of 2011 whereby it has been held that the license has never been issued in favour of the Respondent No.5 but it has also been



held that the License granted in favour of the petitioner in violation of the order dated 29.10.2002 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 202 of 1995;

(ii) for issuance of writ in the nature of mandamus directing the Respondent No. 3-to dispose of the application filed by the petitioner on 20.05.2017 (Annexure- 3) for recall of the order dated 04.09.2012 and to pass a fresh order after hearing the petitioner as the petitioner was neither made party nor he was heard in Appeal Case No. 02 of 2011;

(iii) for issuance of writ in the name of mandamus directing the Respondent No.4-Licensing Officer to renew the license in favour of the petitioner under Rule 6 of the Bihar Saw Mills (Regulation) Rules, 1993.

(iv) for issuance of writ in the name of mandamus directing the Respondents not to interfere the operation of saw mill of the petitioner 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. At the outset, learned GP-14, Mr. Dhurjati Kr.



Prasad objected that the petitioner wants to be impleaded as a party to appeal case no. 02 of 2011 preferred by Vidya Sagar Singh whereas the said appeal already stands disposed of on 04.09.2012 (Vidya Sagar Singh Vs. Divisional Forest Officer, Kaimur Forest Division).

4. His submission is that twelve years after, this petition has been filed which is without any merit.

5. Learned counsel for the petitioner submits that he never had any knowledge of the orders passed by the respondent or parties and it was Vidya Sagar Singh who was agitating the matter. He submits that he may be granted liberty to approach the respondent authorities, especially the respondent no. 2, without commenting anything on the merit of the case, granting liberty, this writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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