

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1785 of 2023

M/S Sitaram Saw Mill Nasariganj, P.S.- Nasariganj, District- Rohtas a proprietorship firm through its proprietor Subhash Prasad, aged about 68 years, son of Sitaram Prasad, Resident of Ward No. 6, Nasariganj, P.S.- Nasariganj, District- Rohtas.

... .. 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 Conservator of Forest-Cum-Appellate Authority, Patna Circle, Patna.
4. The Licensing Officer-Cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-08-2024 Heard Mr. Vinay Mistry, learned counsel for the petitioner and Mr. Sanjay Kumar, learned AC to SC-15.

2. The present writ petition has been preferred for the grant of following relief/s:-

“(i) For issuance of a writ in the nature of certiorari for quashing, of the order dated 17.08.2022 bearing Memo No. 2401 dated 17.08.2022 (Annexure-6) passed by the Respondent No.4- Licensing Officer-cum-Divisional Forest Officer, Rohtas Forest



Division, Sasaram whereby the representation of the petitioner dated 20.12.2021 (Annexure-4) was not considered in terms of Section-19 of the Bihar Saw Mills (Regulation) Act, 1990 and the order dated 30.03.2022 passed by this Hon'ble Court in CWJC No. 2863 of 2022 (Annexure) in the facts and circumstances of the case.

ii) For issuance of a writ in the nature of mandamus directing the respondent No.4 to restore and renew the license No. 47 of 1995 in view of section 19 of the Bihar Saw Mills (Regulation) Act, 1990 as the petitioner is once again is ready to deposit the penalty for the same in the facts and circumstances of this case.

(iii) For issuance of a writ in the nature of mandamus directing the respondent authorities to allow the petitioner to run the saw mill till such time the matter is finally decided in the facts and circumstances of the case.



iv) 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 petitioner is litigating the matter for last two decades which starts with payment of fine on 10.09.2003. In between he approached the Patna High Court twice and ultimately moved before the licensing authority, the Divisional Forest Officer, Forest Division, Sasaram in Case No. 02 of 2014 (Government of Bihar vs. Subhash Prasad No. 2). The matter was heard by the respondent no. 4, the Divisional Forest Officer, Rohtas Forest Division, Sasaram and vide a reasoned order dated 17.08.2022, it has been held that the Saw Mills where the licence have not been granted, it can be done only by the State Level Committee and in that background, the original order by which the licence No. 47 of 1995 was cancelled shall remain.

4. Learned counsel for the petitioner submits that while doing so, he failed to look into the fact that earlier he was granted licence in which fine was imposed and duly paid two decades ago. He submits that he could not file appeal in time due to illness under Section-12 the Bihar Saw Mills (Regulation Act, 1990). He submits that the petitioner shall be filing an



appeal in next two weeks before the Appellate Authority.

5. In view of the limited prayer that the petitioner has made and this Court also finds that the petitioner is sixty eight years old, considering the fact that he was ill, if the petition is filed in next two weeks, the Appellate Authority shall consider the limitation petition sympathetically and pass an appropriate order.

6. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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