

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17399 of 2022

M/s Prabhat Timber Sarhad, P.O.-Pandaul, P.S.-Pandaul, District-Madhubani, Bihar, a proprietorship firm through its proprietor Sangita Thakur, aged about 50 years (Female), wife of Satya Narayan Thakur, Resident of Village-Rajnagarganj, P.s. Rajnagar, District-Madhubani.

... .. 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. Upendra Pathak, son of Late Ram Prasad Pathak, Resident of Village-Pandaul, P.S.-Pandaul, District-Madhubani, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Adv.
For the Respondent/s	:	Mr. Sarvesh Kr. Singh (Aag 13) Mr. Rajat Kumar Tiwari (AC to AAG-13)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2024 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 grant approval for transfer of license on the basis of sale in favour of the petitioner-Sangita Thakur 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 close down and dismantle the saw mills 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 11.05.2022 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 11.05.2022.

(Rajiv Roy, J)

Vijay Singh/-

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