

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16420 of 2023

1. Raslal Thakur Son of Late Fochai Thakur, Resident of Village- Balaucha -Mahuli, P.S.-Lakhnour, Distinct- Madhubani.
2. Sitaram Thakur son of Late Jagdish Thakur, Resident of Village- Tadhiyaha, P.S.-Madhepur, District- Madhubani.
3. Satish Kumar Thakur Son of Mohan Thakur Resident of Village- Madhupur, P.S- Kamtaul, District- Darbhanga.
4. Rahul Kumar son of Late Umesh Vishwakarma, Resident of Village Bhagwanganj. P.S.-Bhagwanganj, District-Patna.
5. Lalit Sharma Son of Sri Rajaram Sharma Resident of village- Khajurbana, P.S.- Kamtaul District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar TYhrough the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The Chairman of the State Level Committee for Wood Based Industries, Bihar-cum-Principal Conservator of Forest, Bihar. Chief
3. The Divisional Forest Officer, Mithila Foresh Division, Darbhanga.
4. The Divisional Forest Officer, Patna Forest Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv.
For the Respondent/s : Mr.Sarvesh Kr. Singh (AAG-13)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2024 Heard Mr. Vinay Mistry, learned counsel for the
petitioners and learned counsel for the State.

2. The writ petition has been filed for the following
reliefs:-

“(i) For issuance of a writ in the nature of certiorari for quashing of the Letter No. 1111, dated 02.06.2022, Letter No.1110 dated 02.06.2022, & Letter No. 1339, dated 11.07.2023 & Letter No. 1881 dated 27.09.2023 (Annexure-P-2 Series) has been issued by the Divisional Forest Officer, Mithila Forest Division, Darbhanga whereby the application for grant of new saw mill license has been refused without giving any opportunity of being heard to the petitioners Under Section-7 of the Bihar



Saw Mills (Regulation) Act, 1990 and further be pleased to direct the Respondent No.3 to accept the applications for grant of new saw mill license dated 02.05.2022, 02.05.2022 & 26.06.2023 from the Petitioner No.1 to 3 and to duly proceed the same 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 accept the application for grant of new saw mill license of the Petitioner No.4 dated 20.02.2023 as the same has been returned through Speed Post on 12.10.2023 (Annexure-P-3) to the Petitioner No.4 without assigning any reasons in the facts and circumstances of the case.

(iii) For issuance of a writ in the nature of mandamus directing the Respondent No. 2 grant approval to the Respondent No.3 & 4 to issue new license to the petitioners in the facts and circumstances of this case.

(iv) For issuance of such other writ(s), order(s). direction(s) as your Lordships may deem fit and proper.”

3. Learned counsel for the State, at the out set, pointed out that a perusal of the order in question would show that *vide* letter no. 1111 dated 02.06.2022, the Divisional Forest Officer, Mithila Forest Division, Darbhanga simply returned the draft of the petitioner on the ground that the State Government presently has banned issuance of any license (Annexure-2 series). He submits that in that background, the said respondent



made no illegality.

4. Learned counsel for the petitioner submits that since the State Government is now thinking about increasing the number of saw mills, they may be allowed individually to approach the State Government in this regard.

5. Without commenting anything on the merit of the case and granting liberty to the petitioners to approach individually before the appropriate authority, the writ petition stands disposed of.

(Rajiv Roy, J)

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