

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1760 of 2023**

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M/s Mithila Timber, Dherichak, P.S.-Kewati, District-Dharbhanga a Proprietorship firm through its Proprietor Ajay Kumar, aged about 36 Years (Male), Son of Sri ramesh Kumar Sah, Resident of Village-Mohanpur, P.S.-Pachadhi, District-Dharbhanga.

... .. 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.

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
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| For the Petitioner/s | : | Mr. Vinay Mistry, Advocate      |
| For the Respondent/s | : | Mr. Raghwanand ( GA11 )         |
|                      |   | Mr. Rajnish Shandilya, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      11-07-2024                      Heard the parties.

2. The present petition has been preferred for the following reliefs:

*(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-4) 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 State the 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.*

3. This is the second round of litigation, earlier the petitioner moved in CWJC No. 21328 of 2021 (M/s Mithila Timber Champa vs The State of Bihar & Ors) which was disposed of on 11.02.2022 (Annexure-3 to the petition). The Court directed the petitioner to approach the respondents who after granting him opportunity will take a decision. Thereafter, the matter was taken up by the Principal Chief Conservator of Forest and vide an order/memo no. 1349 dated 28.06.2022, his claim was rejected on the ground that for the present, there is no guideline to transfer the license though he incorporated the fact that the guidelines has been issued by the Government of India vide Gazette notification dated 11.11.2016. It seems that though the draft has been prepared, the same has not been finally approved by the Cabinet. The petitioner has now challenged the said order.

4. So far as the petitioner is concerned, he wants transfer of the license which he claims to have purchased from one Ziaur Rahman. No document is on record to show the said claim put forward by the petitioner. The documents that are on the record is the Gazette notification of the Government of India, the High Court's order earlier in another case as also



challenged to the subsequent order. In that background, this Court is unable to help the petitioner.

5. Same is the case with the State. A counter affidavit on behalf of the respondent no. 4 is on record and learned State Counsel has taken this Court to paragraphs 11 and 12 to show that Bihar Wood Based Industries (Establishment & Regulation) Ordinance, 2020 has been drafted but has not come into force.

6. A perusal of the statement would show that it has been drafted four years ago and even in the year 2023, the counter affidavit says that it has not come into force. The act of the respondents is/are deprecable, to say the least as despite the Gazette notification of the Government of India issued in the year 2016, the State has failed to come up with its guideline.

7. It is high time, the respondents pace up the matter, if it still has not been done and complete the process in next six months. So far as the petitioner is concerned, in absence of the documents, no direction can be given to the respondents. He, however, will have the liberty if the guideline comes into force subsequently to approach appropriate authority alongwith all the relevant documents.

8. The writ petition stands disposed of.

9. The order has been passed in the presence of



learned State Counsel who assures that the order will be communicated to the concerned respondents in the Department of Environment and Forest, Bihar, Patna.

**(Rajiv Roy, J)**

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