

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2203 of 2023

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Jitendra Kumar Son of Late Arjun Sharma, resident of village- Dobhi, P.S.
Dobhi, District — Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Prescribed Officer-cum-Conservator of Forest, Gaya Circle, Gaya.
4. The Licensing Officer-cum-Divisional Forest Officer, Gaya Forest Division, Gaya.
5. Karu Mistri, son of Late Ramchandra Mistri, resident of village - Mirchak, P.S. - Gurua, District - Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4463 of 2023

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Karu Mistry son of Late Ram Chandra Mistry, resident of Village- Mirchak,
P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Prescribed Officer-cum- Conservator of Forest, Gaya Circle, Gaya.
4. The Licensing Officer-cum- Divisional Forest Officer, Gaya Forest Division, Gaya.
5. Jitendra Kumar, son of Late Arjun Sharma, resident of Village- Dobhi, P.S.- Dobhi, District- Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13400 of 2025

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Jitendra Kumar Son of Late Arjun Sharma Resident of Village Dobhi, P.S.
Dobhi, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.



2. The Principal Chief Conservator of Forest (HOFF), Bihar, Patna.
3. The Additional Chief Conservator of Forest, Bihar, Patna.
4. The Divisional Forest Officer, Gaya Forest Division, Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2203 of 2023)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Anant Pd. Singh (Sc15)

Mrs. Deepika Sharma, AC to SC 15

(In Civil Writ Jurisdiction Case No. 4463 of 2023)

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Respondent/s : Mr. Dhurjati Kumar Prasad (Gp 14)

(In Civil Writ Jurisdiction Case No. 13400 of 2025)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Jitendra Kumar Roy SC (13)

Mr. Bijay Bhushan Prasad AC to SC 13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 The facts of these cases are similar, hence, they are
being decided by a common order.

2. Heard the learned counsels for the respective parties.

3. Late Arjun Sharma, the father of the petitioner (Jitendra Kumar) applied for grant of license for running his Saw Mills under Bihar Saw Mill (Regulation) Act, 1990 and after making an enquiry, the license was granted in favour of Late Arjun Sharma *vide* License No. 96 of 1998 and the same was renewed up to 1998. Subsequently, Late Arjun Sharma engaged Karu Mistry as a daily wages worker. Late Arjun Sharma applied before the Licensing Authority for transfer of the license in the name of Karu Mistry on the ground that he



was not well, and he could not manage the Saw Mill. The Licensing Authority, thereafter, transferred the license in the name of Karu Mistry *vide* Letter No. 1359 dated 22.05.1999 and the same was renewed for the period of 01.01.1999 to 31.12.1999. Arjun Sharma died after some time thereafter. In the meantime, the Saw Mill was being managed by Karu Mistry.

4. In 2008, after the death of Arjun Sharma, the son of Late Arjun Sharma (Petitioner in C.W.J.C. No. 2203 of 2023) filed an application that the license be restored in his name because he is the son of Late Arjun Sharma and Karu Mistry had objected to the same. The authorities heard Jitendra Kumar (son of late Arjun Sharma) and came to a finding that there was no provision for transfer of the license of the Saw Mill under the Act and therefore, the authorities had held the transfer illegal and considering the same, the license of Saw Mill was rejected by the authorities. Thereafter, the license granted to Late Arjun Sharma finds mention at Sl No. 252 of the Seniority List finalised by the department and therefore, again, Jitendra Kumar claims that the license be granted in his favour saying that he has deposited the charges for the entire period.

5. The learned counsel for the State has submitted that once late Arjun Sharma had got the license transferred in the



name of Karu Mistry by a valid order which has been found illegal subsequently, Late Arjun Sharma and his son cannot be restored the license as transfer means that Late Arjun Sharma had surrendered his license. After his death, the litigation has been started by his son namely Jitendra Kumar (Petitioner in C.W.J.C. No. 2203 of 2023).

6. In my opinion, the petitioner namely Jitendra Kumar cannot succeed. Karu Mistry has also no locus to get the license in view of the seniority list prepared by the authorities as initially the license was not granted to Karu Mistry and when the transfer in the name of Karu Mistry has been held to be illegal, he will also not get any relief from this Court.

7. In these circumstances, the claim of Jitendra Kumar and Karu Mistry are rejected. The entire confusion has been created because the name of Jitendra Kumar and Karu Mistry are mentioned in the Seniority List prepared by the Authority.

8. In view of the discussions made above, this Court is not inclined to grant any relief to any of the petitioner and therefore, these writ petitions are hereby dismissed.

(Sandeep Kumar, J)

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