

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7907 of 2022

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Keshav Kumar @ Keshav Kumar Sharma Son of Raj Kumar Sharma
Resident of Village-Narhan, P.S.-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through 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 Chief Conservator of Forest, Bihar.
3. The Prescribed Officer-Cum-Conservator of Forest, Muzaffarpur Circle, Muzaffarpur.
4. The Divisional Forest Officer, Begusarai Forest Division, Begusarai.
5. The Divisional Forest Officer, Samastipur Forest Division, Samastipur (Now),
6. Shashi Bhushan Sharma Son of Raj Kumar Sharma Resident of Village-Narhan, P.S.-Bibhutipur, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Respondent/s : Mr. Dhurjati Kr. Prasad (Gp14)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-02-2025

Heard Mr. Vinay Mistry, learned counsel for the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14 for the State.

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

“(i) For issuance of a writ in the nature of Certiorari for quashing of the order dated 10.04.2018 (Annexure-3) passed by the Prescribed Officer-cum-Conservator of Forest, Muzaffarpur Circle, Muzaffarpur in Appeal Case No. 24 of 2015 whereby the appeal has been dismissed



which was filed against the order dated 25.09.2012 (Annexure-2) passed by the Divisional Forest Officer, Begusarai Forest Division, Begusarai whereby Shashi Bhushan Sharma (Respondent No. 6) has been declared as the sole owner of the Saw Mill as the License bearing License No. 100 of 1998 was granted by the Licensing Officer in favour of the petitioner and the Respondent No. 6 under the Bihar Saw Mills (Regulation) Act, 1990 and the Rules framed thereunder.

(ii) For issuance of a writ in the nature of mandamus directing the respondent authorities to declare and hold the License bearing License No. 100 of 1998 was issued by the Licensing Officer in favour of the petitioner and the Respondent No. 6 (both are own brother) under the Bihar Saw Mills (Regulation) Act, 1990 and the Rules framed thereunder.

(iii) For issuance of a writ in the nature of mandamus directing the respondent no. 5 to jointly renew the License bearing License No. 100 of 1998 in favour of the petitioner and the Respondent No. 6 under Rule 6 of the Bihar Saw Mills (Regulation) Rules, 1993.

(iv) For issuance of writ in the nature of mandamus directing the respondent authorities to allow the petitioner and the Respondent No. 6 to run the Saw Mill separately i.e. 15 + 15 days in each month within the same premises for livelihood of the parties in the interest of justice.

(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. Learned counsel for the petitioner submits that the father of the petitioner had purchased the Saw Mill from pension of freedom fighter in the year 1992 and started operation of Saw Mill for his livelihood. The State Government brought in separate enactment to regulate the Saw Mill and the Government of Bihar enacted Bihar Saw Mills (Regulations) Act, 1990 and in terms thereof Bihar Saw Mills (Regulations) Rules, 1993 were framed and the same came into effect on 04.09.1993. The father of the petitioner had decided that the elder son namely Shri Shashi Bhushan Sharma (Respondent No. 6) would be 'karta' of the family. It was also decided in the family that the license of Saw Mill would be jointly in favour of Shashi Bhushan Sharma and petitioner (Keshav Kumar).

4. Learned counsel for the petitioner further submits that the Respondent No. 6 in a capacity of *karta* of the family, in terms of Bihar Saw Mills (Regulation0 Rules, 1993 applied for grant of Saw Mill License and after making an enquiry the license bearing License No. 100 of 1998 was granted in favour of the petitioner and the Respondent No. 6 for operation of Saw Mill. The name of the petitioner and the Respondent No. 6 have been mentioned in Clause-1 of the License and as such both the parties



have not only the legal right to renew the license but also has legal right to operate the Saw Mill jointly in the interest of justice.

5. Learned counsel for the State has filed a counter affidavit stating therein that the petitioner never been any way concern with the present dispute and the grievance raised is untenable and unreasonable based upon the fact that the petitioner in the year 1994 was minor and having age of 8 years only as the date of birth of the petitioner as mentioned in Matriculation Certificate as 22nd August, 1986 and in fact the Respondent No. 6 who happens to be brother of the petitioner after purchase of Saw Mill from one Ram Ashish Sharmaby paying Rs. 18,555/- (Eighteen Thousand Five Hundred and Fifty Five) vide Sale Agreement dated 17.07.1993 and applied for License to run the same by application dated 24.09.1994 along with necessary documents including the affidavit. The application dated 24.09.1994, the Respondents after other formalities notices were issued for inspection and accordingly the License after completion of all the formalities License No. 100 of 1998 was issued in the name of Respondent No. 6 and from perusal of the original license it appears that at no point of time ever, name of petitioner was made with the Respondent No. 6 and Respondent No. 6 never executed either with his father Raj Kumar Sharma or his brother



Keshav Sharma (petitioner) to part with or any share in any manner. The Respondent No. 6 has filed appeal before the Prescribed authority, Purnia Forest Circle, Purnia. The respondent authority after consideration of the Appeal Order dated 24.12.2001 has been passed and set aside the cancellation order and thereafter the authority has renewed the License of Respondent No. 6 and Respondent No. 6 has continued to run the Saw Mill and upon consideration of application for District wise by seniority list, the Respondent No. 6 was placed at serial no. 63 and selected in the District Seniority List.

6. Having heard the counsel for the parties and perused the materials on record, it transpired that the petitioner has not come with a clean hand before the Hon’ble Court and the License in question has never been issued in favour of the petitioner and the authority has rightly rejected the claim of the petitioner in accordance with law. No case is made out for interference in the matter.

7. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
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