

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12172 of 2025

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1. Binod Mistri Son of Shyampad Mistri Resident of Village-Mubarakpur-Kurtha, P.S. Kurtha, District-Arwal.
 2. Ramji Mistri @ Ramji Sharma Son of Ram Ekbal Mistri Resident of Village-Mubarakpur-Kurtha, P.S. Kurtha, District-Arwal.
 3. Shri Ram Mistri Son of Ram Swaroop Mistri Resident of Village-Chamandi, P.S. Kurtha, District-Arwal.

... .. 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, Bihar, Patna.
3. The Licensing Officer-Cum-Divisional Forest Officer, Aurangabad Forest Division, Aurangabad.
4. The Ranger, Arwal Forest Range, Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC 26 Mr. Santosh Kumar Mishra, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-10-2025 Heard the parties.

2. The following prayer has been made on behalf of
the petitioners by way of this writ application:-

(i) For issuance of a writ in the nature of certiorari for quashing of seizure list dated 10.11.2024 (Annexure-P-4) whereby the Forester, Kurtha has allegedly seized 18" diameter saw mills of the petitioners as 18" diameter saw mills is exempted from the purview of Section-25(a) of the Bihar Saw Mills (Regulation) Act, 1990 and the Resolution dated 24.12.2022 issued by the



*Department of Environment and Forest,
Government of Bihar, Patna.*

(ii) For issuance of a writ in the nature of bar mandamus directing the Respondents to release 18" diameter saw mills (seized articles) so that the petitioner could use the same for manufacturing of furniture.

3. The contention of the petitioners is that the respondent authorities have no power to seize the saw mill which is 18 inch in diameter and in support of his submission he has also produced various judgments of this Court.

4. Learned counsel for the State has opposed the writ application and has submitted that the diameter of the seized saw mill is 32 inches and not 18 inches.

5. I have heard and considered the submission of the parties.

6. From the record, it appears that before the seizure was effected or after the seizure was effected, the petitioners were not given any show-cause notice to submit their defence/show-cause.

7. In these circumstances, the impugned order dated 10.11.2024 is hereby set aside and the matter is remitted back to the respondent no. 3 who will give a proper show cause notice



to the petitioners for the seizure which was made and as to why the seized saw mill should not remain with the government/confiscated by the government.

8. If such notice is given to the petitioners within three weeks from today then the petitioners shall file their reply within the next two weeks and thereafter, the same shall be considered by the respondent authorities and an opportunity for personal hearing shall be given to the petitioners and only after that a proper order shall be passed.

9. It is made clear that the aforesaid exercise must be completed within 8 weeks from today and if the aforesaid exercise is not completed within eight weeks from today then the saw mill in question shall be released in favour of the petitioners by the authorities concerned subject to the cooperation of the petitioners with the respondent authorities.

10. With the aforesaid observation and direction, this application stands disposed.

(Sandeep Kumar, J)

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