

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16764 of 2022

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Anuj Sharma son of Raju Sharma Resident of village- Charan Bigha, P.S.-
Mali, District- Aurangabad (Bihar).

... .. Petitioner

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-cum-Chairman of State Level Committee for Wood-based Industries, Bihar, Patna.
3. The Licensing Officer-cum-Divisional Forest Officer, Aurangabad Forest Division, Aurangabad.
4. The Forester, Nabinagar, P.S.- Nabinagar, District

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 28-01-2025

Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of 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 15.09.2022 bearing Memo No. 1981 dated 15.09.2022 (Annexure-6), passed by the Licensing Officer-Cum-Divisional Forest Officer, Aurangabad Forest Division, Aurangabad, whereby the seized articles has not been released to the petitioner which was seized by the Forester, Nabinagar, Aurangabad on 23.06.2022 (Annexure-2) as the Forester is not authorized to make inspection, search and seizure of saw mills Under Section-8 of the Bihar Saw Mills (Regulation) Act, 1990.



(ii) For issuance of a writ in the nature of mandamus directing the Respondent authorities to release the seized materials in favour of the petitioner and further be pleased to direct the respondents not to interfere the operation of 18” diameter saw mill to the petitioner for manufacturing of furniture in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that as per the recommendation of the Central Empowered Committee (hereinafter referred to as “CEC”), the State of Bihar has accepted the proposal of the CEC dated 11.06.2008 and subsequently the Department of Environment & Forest, Government of Bihar issued a resolution dated 24.12.2022 in which it is stated that a Saw Mill with a diameter upto 18”, whether it is vertical or horizontal will not required to be registered, but they should be used only for the carpentry work, for making furniture etc. and not for commercial saving and they would not use round logs, rather they would use sawn timber in small sizes.

4. Learned counsel for the petitioner submits that petitioner has established 18” diameter saw mill for manufacturing of furniture. However, on 23.06.2022, the Respondent No. 4 (Forester, Nabinagar, Aurangabad) seized 18” diameter saw mill alongwith other equipments from the furniture shop of the petitioner.



5. Learned counsel for the petitioner submits that from bare perusal of the seizure list (Annexure-2), it appears that seized articles were within the purview of the State Government's resolution dated 24.12.2012.

6. Learned counsel for the petitioner submits that the aforesaid articles have been seized under Section 8 of the Bihar Saw Mills (Regulation) Act, 1990 and Forester has no power to take action against the petitioner.

7. Learned counsel for the State on the basis of filed counter-affidavit submits that seizure has been made in accordance with law and diameter size of the saw mill is 42" and the petitioner has not produced any documents, which suggests that diameter size of the seized saw mill was 18".

8. Pursuant to the direction of this Court, State authority has filed a supplementary counter-affidavit annexing therein photographs of the saw mill in question, which suggests that trolley and round timber were available at the saw mill of the petitioner and seizure of trolley and round timber suggests that the same is 42" in diameter, which is illegal and violates the provisions of Bihar Saw Mills (Regulation) Act, 1990.

9. Learned counsel for the petitioner draws attention to the seizure list (Annexure-2) and submits that it appears from



the perusal of the Annexure-2 that authority has not mentioned the diameter of the seized articles (round logs).

10. In view of the aforesaid, it appears that seizure of articles was in accordance with the resolution of the State Government dated 24.12.2012. Apart from that, according to the aforesaid resolution, the Forester is not authorized to make inspection and to search and seize the saw mill of the petitioner.

11. Accordingly, the order dated 15.09.2022 (Annexure-2) is set aside and authority concerned is directed to release the seized articles of the petitioner forthwith.

12. The writ petition stands allowed.

(Rajesh Kumar Verma, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2025
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