

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1631 of 2026

Naushad Alam Son of Mokhtar Ahmad, Resident of Village Hiramani,
Mathiya Birat, P.S Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Environment, Forest and Climate Change, Government of Bihar, Patna.
2. The Principal Secretary, Department Environment, Forest and Climate Change, Government of Bihar, Patna.
3. The State Level Committee, through its Chairman, The Principal Chief Conservator of Forest (HoFF), Aranya Bhawan, Airport Road, Patna.
4. The Divisional Forest Officer-cum-Licensing Authority, Motihari Forest Division, Motihari, District East Champaran.
5. The Range Officer of Forest, Raxaul Range, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Agrawal, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
		Ms. Sushmita Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-04-2026 Heard the parties.

2. The present application has been preferred for the following relief(s):

(i) for issuance of a appropriate writ(s)/order(s)/direction(s) commanding the Respondent Divisional Forest Officer Cum-Licensing Authority, Motihari Forest Division to recommend for transfer of Saw Mill License by way of Sale in the name of the petitioner as the all requisite documents including the transfer fee etc have already been submitted by the petitioner as required under Rule 7(4) of Bihar Wood Based



Industries (Establishment and Regulations) Rules, 2025;

(ii) for further direction to the Respondent State Level Committee headed by the Chairman, the Principal Chief Conservator of Forest (HoFF) to recommend/direct the licensing Authority to transfer of Saw Mills License in the name of Petitioner as required under Rule 7(6) of the Bihar Wood Based Industries (Establishment and Regulations) Rules, 2025; and to pass such other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case.

3. One Jamila Khatoon, wife of Samsul Haque is a license holder of M/s Bismillah Saw Mill which as per the Annexure-1 has the validity period up to 31.12.2026. The petitioner wanted to enter into shoes of the said saw mill and accordingly, an agreement was signed for transfer of the said saw mill on 01.12.2025 (Annexure-14 to the petition).

4. Learned counsel for the petitioner submits that there is a notification no. 5368 dated 04.10.2025 issued by the Department of Environment, Forest and Climate Change, Bihar, Patna (henceforth for short, 'the Department') and paragraph 7 deals with the transfer of license according to which in case of sale, for the transfer of license, Form-D has to be used and



enclosing the registered agreement. It has to be placed before the Licensing Authority who shall be forwarding the application with report/ recommendation whether it is to be permitted or not to the State Level Committee within 30 days.

5. The State Level Committee thereafter has to take a decision within a period of sixty days. The proviso further says that in case of refusal, an order has to be passed only after giving reasonable opportunity of being heard to the aggrieved person.

6. This Court would like to incorporate column 7 of the aforesaid notification dated 04.10.2025 which read as follows:

7. Transfer of license: -

(1) Transfer of license on sale/succession etc. shall be done with the approval of State Level Committee.

(2) The application for transfer of license in case of sale shall be submitted by the transferee to the Licensing Officer in the Form D. The application for transfer of license in case of succession shall be submitted by the Successor in the Form E. The application fee for the transfer of the license for the wood-based industry shall be rupees five thousand, rupees ten thousand, rupees fifteen thousand for saw mill, veneer mill, plywood industry/others respectively.



(3) In case of transfer by succession

(a) Spouse will be the successor after demise of the licensee as the case may.

(b) In case, spouse of the licensee, as the case may be, is not alive or refuses in writing to inherit the license, then it shall be transferred to one of the natural successors given in succession list, issued by the competent authority, who shall be chosen by consensus among the successors.

(4) In case of sale, the sale deed/ registered agreement shall be enclosed.

(5) On receipt of an application, the Licensing Officer, after making such inquiry as he may deem fit, shall forward the application, along with his inquiry report and clear-cut recommendation whether the transfer of license shall be permitted or not, to the State Level Committee within 30 days.

(6) State Level Committee shall, after getting such inquiry done as it deems fit, dispose of the application within 60 days of receipt of the application.

Provided that no order of refusing to transfer the license shall be passed unless the applicant has been given reasonable opportunity of being heard.

(7) Licensing Officer shall renew the license in favour of transferee in Form-B.

7. The contention is that after the submission of the



document, the petitioner was asked to appear on 23.12.2025 before the office of the Divisional Forest Officer-cum-Licensing Authority, Motihari and acknowledgment to this aspect as also there showing his presence (Annexure- P/16). However, thereafter, the petitioner has not heard anything from the respondents.

8. The State is represented and the stand is that the matter shall be taken to its logical conclusion in accordance with law at an earliest, if not disposed of.

9. This Court has taken note of the facts of the case, the submissions of the parties as also the notification dated 04.10.2025. Column 7 of the notification dated 04.10.2025 deals with the transfer of license by way of either sale or succession. In case of succession, it has been recorded that the spouse will be successor after demise of the licensee as the case may be and in case, the spouse is not alive or refuses to inherit the license, it shall be transferred to one of the natural successor given in the succession list by the Competent Authority.

10. So far as the case of the petitioner relating to the sale is concerned, as recorded above:

- (i) it has to be submitted in Form-D along with the agreement paper;*
- (ii) the licensing authority officer shall*



hold enquiry and should make a recommendation to the State Level Committee within 30 days;

(iii) it has to be decided by the State Level Committee in next 60 days;

(iv) in case of refusal, reasonable opportunity has to be granted to the applicant.

11. The last appearance of the petitioner was on 23.12.2025 whereafter he has not heard anything about it.

12. It is high time that both the Licensing Authority (respondent no. 4) as also the State Level Committee (respondent no. 3) act in the matter and take the case of license no. 430 of 1999 (Motihari) relating to M/s Bismillah Saw Mills to its logical conclusion within next sixty days, if not disposed of.

13. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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