

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3558 of 2025

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Kameshwar Sharma @ Kamlesh Sharma Son of Late Dharmnath Sharma
Resident of Village- Sajjanpur, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The Regional Chief Forest Conservator, Muzaffarpur.
4. The Licensing Authority cum Forest Divisional Officer, Saran Division, Saran at Chapra.
5. The District Collector, Saran at Chapra.
6. Avadhesh Sharma S/o Late Dharmnath Sharma Resident of Vill - Sajjanpur, Matihan, Dighwara, P.O. - Dighwara, P.S. - Dighwara, District- Saran (Bihar) PIN - 841207.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arghesh Kumar, Advocate
For the Respondent/s	:	Mr.Government Pleader (24)
For the Intervenor	:	Mr. Ashutosh Nath, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 30-04-2026 Heard Mr.Arghesh Kumar, learned counsel for the

petitioner, Mr. Ashutosh Nath, learned counsel for the

Intervenor/respondent as also the State.

2. The present petition has been preferred for the
following relief/s:

*(i) a direction may be given to the
respondent no.4 Le. the Licensing authority
cum the Forest Divisional Officer, Saran
Division, Saran at Chapra for transfer of the
License No. 96 of 1993 Saran Division in the*



name of petitioner it was Issued in the name of father of petitioner by the said authority under Section 7 of Bihar Forest Act dated 21.07.1994 after verification. After death of father of petitioner the said license was renewed in the name of petitioner mother, namely Phool Kumari Devi and petitioner was appointed as Administrator of the said Bishwakarma Saw Mill, Villager Sajjanpur, P.S. Dariyapur, District Saran at Chapra;

(ii) after death of the mother of petitioner the said license was suspended by the authority though the petitioner was applied for transfer of the said license in his name after death of his mother in the 2007 and since then the said license in kept In abeyance by the authority without any rhyme and reason though petitioner is ready to take the liability. The said saw mill is the only resource of his income to live on with whole family;

(iii) any other relief reliefs may be given to



the petitioner as per the law of the land.

3. The petitioner's family was running a saw mill in the name of Bishwakarma Saw Mill having license no. 96 of 1993 and was continuing from time to time in the name of father of the petitioner as also the respondents-intervenor namely Dharam Nath Sharma.

4. The license holder died on 02.02.2002 whereafter, the petitioner applied for renewal of license in the name of the mother, Phul Kumari which was allowed. She also died on 23.11.2012. Thereafter, a fight broke out between the brothers. While the petitioner staked his claim being the elder in the family, the intervenor/respondent, the younger brother also wanted the license. It ultimately, went in favour of the intervenor/respondent vide memo no. 1735 dated 15.09.2023.

5. Aggrieved, the present petition by the petitioner, the elder brother.

6. Earlier, the coordinate bench sent the matter to the Mediation Centre on 03.11.2025 but as per the report dated 03.02.2026, it failed.

7. Today during the argument, the petitioner and the intervenor/respondent on instruction from the two brothers finally decided to resolve the issue in the following manner:



(i) **Kameshwar Sharma** (petitioner);

Awadhesh Sharma (intervention-respondent) and the three sisters namely **Lalita Devi, Sushila Devi and Taramuni Devi** shall be running saw mill, namely **Bishwakarma Saw Mill** jointly by chipping in money and sharing the benefits @ 20% each;

(ii) the license shall be continued in the name of **Awadhesh Sharma**;

(iii) an agreement shall be signed between all the family members as recorded above which shall be presented before the concerned authority;

(iv) once such agreement supported by five affidavits of the two brothers and three sisters are presented before the **licensing authority cum Divisional Forest Officer, Forest Division, Saran at Chapra**, he/she shall be passing an appropriate order in accordance with



law;

*(v) the **memo no. 86 dated 17.01.2025**
issued by the same authority shall
merge with the fresh order passed by
the licensing authority.*

8. With the aforesaid observation, the writ petition is
disposed of.

(Rajiv Roy, J)

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