

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 209 of 2018

M./s Chamunda Saw Mill, a through its Proprietor Ram Kumar, Son of Prahlad Singh, resident of Dinbandhu Nagar, Bijuli Talab Road, P.O. & P.S.- Ramgarh, District-Ramgarh, Jharkhand.

... .. **Petitioner**

Versus

1. State of Jharkhand, through Secretary, Department of Forest and Environment, Government of Jharkhand, P.O. & P.S.- Doranda, District- Ranchi.
2. Principal Chief Conservator of Forest, Jharkhand, P.O. & P.S.- Doranda, District- Ranchi
3. Conservator of Forest, Ranchi Territorial Circle, Doranda, P.O. & P.S.- Doranda, District- Ranchi.
4. Divisional Forest Officer, Ramgarh Forest Division, P.O. & P.S.- Ramgarh, District- Ramgarh. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mr. Ayush Aditya, Advocate
	: Mr. Akash Deep, Advocate
	: Mr. Alisha Lakra, Advocate
For the Respondents	: Mr. Ravi Prakash Mishra, AC to AAG-II

12/05.12.2024

1. Heard the learned counsel appearing on behalf of the parties.

2. This writ petition has been filed for the following reliefs:-

“(a) For a direction upon the respondents particularly respondent No. 4 to immediately and forthwith unseal the saw mill of the petitioner, which has been sealed by the respondent No. 4;

b) Further in the nature of certiorari for quashing the letter no. 1992 dated 10.08.2016 (Annexure-4) issued by the Divisional Forest Officer, Ramgarh Forest Division in terms of which the petitioner, inter alia, has been directed to show cause as to why its license of the saw mill may not be cancelled;

(c) Quash the order dated 17.10.2017(Annexure-8) passed by the Ld. Conservator of Forest, Territory Circle, Bokaro passed in the appeal filed by the petitioner for quashing the letter no. 1992 dated 10.08.2016 issued by the Divisional Forest Officer, Ramgarh Forest Division;

AND

(d) For issuance of any other appropriate writ(s) or direction(s) or order(s) as Your Lordships may deem fit and proper in view of the facts & circumstances of the case for doing conscionable justice to the petitioners.

AND

(e) Also for quashing of Office Order No. 146A dated 30.11.2016 (annexure-9) passed by Divisional Forest Officer, Ramgarh, by which the licence granted vide registration no. 1866 dated 19.05.88 to the petitioner for establishing and running the saw mill was revoked.

3. The learned counsel for the petitioner has submitted that a show cause was issued to the petitioner dated 10.08.2016 (Annexure-4) wherein it was alleged that the petitioner has shifted the saw mill to a different location without any prior permission and was running the same in the said location without having any license. The learned counsel submits that the petitioner had filed an application for shifting and had also applied for renewal of license along with demand draft but the same was not considered and therefore, no order was passed on the same. He submits that there was no illegality in the action of the petitioner.

4. The learned counsel has also submitted that aforesaid aspect of the matter has not been properly considered by the Divisional Forest Officer, Ramgarh and also by the Appellate Authority and therefore, the impugned orders call for interference.

5. The learned counsel appearing on behalf of the respondent has submitted that the impugned orders are well reasoned order and there is no concept of deemed approval or renewal of license and he has relied upon the judgment passed by this Court in **2002 (3) JCR 690 (Jhr)** and has submitted that the constitutional validity of proviso to Section 5 of Bihar Saw Mills (Regulation) Act, 1990 has been considered which provides for 'deemed license' upon expiry of a period of 30 days from application has been declared to be ultra-vires.

6. The learned counsel submits that unless the permission to shift was granted and the license was issued, the operation of saw mill was

not in accordance with law and therefore, the impugned orders do not call for any interference.

7. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that it is not in dispute that the petitioner had shifted the saw mill and was running the same at the shifted place and was not in possession of license at the relevant point of time. The provision of 'deemed license' as provided in the aforesaid act has been declared to be ultra-vires by this Court in the aforesaid judgment cited by the respondents.

8. This court has gone through the impugned orders and finds that the appellate authority has clearly recorded that the petitioner was running the saw mill without having the license. This Court finds no illegality or perversity in the impugned orders. There being no merit, this writ petition is hereby dismissed.

9. Pending I.A., if any, is closed.

(Anubha Rawat Choudhary, J.)

Rakesh/-