
(2005) 03 JH CK 0044
In the Jharkhand High Court
Case No : Writ Petition (C) No. 1205 of 2005

Kumud Baran Dutta

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-03-2005

Acts Referred:

Bihar Saw Mills (Regulation) Act, 1990 — Section 13(1), 7(5)

Citation : (2005) 2 JCR 317

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Ananda Sen, R.P. Mukherjee, P.K. Sengupta and Arun Kumar, for the Appellant; J.C. to A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Heard Mr. Ananda Sen, learned counsel appearing for the petitioner.

2. In this writ petition, petitioner has prayed for quashing the order dated 24.12.1999 passed by Licensing Officer-cum- Divisional Forest Officer rejecting the licence of the petitioner under the provisions of Section 7(5) of the Bihar Saw Mills (Reg.) Act, 1990 and also the order dated 13.12.2003 passed by the Conservator of Forest, Hazaribagh Circle, Hazaribagh in appeal filed by the petitioner.

3. Petitioner is running a saw mill. On inspection of the saw mill, it was found that huge quantity of logs were illegally stored within the premises of the said saw mill. No transit permit etc. was produced by the petitioner. Seizure list was prepared and thereafter confiscation proceeding was initiated being Confiscation Case No. 1 of 1998. In the said confiscation proceeding, petitioner appeared and filed his show cause taking a defence that he has no concern with the seized woods and has got no claim over the same and the same might have been brought by some unknown persons. Confiscating authority after recording the

evidence of the case and after giving full opportunity to the petitioner passed final order on 6.3.1999 confiscating the wood in accordance with the provisions u/s 13(1)(c) of Bihar Saw Mills (Regulation) Act, 1990. Simultaneously, another proceeding for revocation of licence was initiated and in that proceeding petitioner filed show-cause taking the same defence. Confiscating authority after hearing the parties passed impugned order dated 24.12.1999 revoking the licence of the, petitioner. Petitioner filed appeal before the appellate authority who after considering the facts affirmed the order passed by the licensing authority. Admittedly, against the final order dated 6.3.1999 passed by confiscating authority in Confiscation Case No. 01/98 petitioner did not challenge the said order and the same attained its finality.

4. In my view, therefore, revoking the licence of the petitioner by the impugned order after giving opportunity of hearing to the petitioner is perfectly legal and justified. It is well settled by judicial pronouncement of the Supreme Court and the High Courts that forest offence should be taken seriously particularly when there is illegal cut of forests and storage of the same by the saw mill owners without any authority of law. I am, therefore, of the view that merely because the offence is compoundable, the same cannot be taken lightly and the offenders should not be allowed to take a plea at this stage that the petitioner not being a habitual offender, the offence may be compounded.

5. For the aforesaid reasons, I do not find any merit in this writ petition which is accordingly dismissed.