
(2010) 04 AHC CK 0068
In the Allahabad High Court
Case No : C.M.W.P. No. 42194 of 2007

Mathura Das

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-04-2010

Acts Referred:

Citation : (2010) 4 AWC 3910

Hon'ble Judges : R.K. Agrawal, J; Jayashree Tiwari, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.K. Agrawal and Jayashree Tiwari, JJ.—The petitioner had purchased the saw mill from respondent No. 5. in whose favour there existed a licence. The purchase was made on 1.10.1996. Respondent No. 5 gave an application supported by an affidavit to the licensing authority, for transferring the saw mill licence to the petitioner. However, till such time the licence could not be transferred, applications for renewal of the same was filed in the name of respondent No. 5 and the licence was renewed from time to time. The petitioner approached this Court by filing Civil Misc. Writ Petition No. 51228 of 2006 seeking transfer of licence. The aforesaid writ petition was disposed of by the Division Bench vide judgment and order dated 15.9.2006 with the direction to the Divisional Forest Officer, Bulandshahr to consider the case of the petitioner within time bound period. When despite direction issued by this Court the question of transfer was not considered the petitioner filed Contempt Petition No. 419 of 2007 in which notices were issued on 1.2.2007. After issuance of notice the application was rejected vide order dated 1.6.2007. It is this order, which has been impugned in the present writ petition.

2. It appears that the authorities have found that even though the sale of saw mill took place on 1.10.1996, as claimed by the petitioner as also respondent No. 5, yet during the period in which licence was not transferred the application for renewal was made by the petitioner but the signature of respondent No. 5 was

not there and it appears that the petitioner got the signature done either by himself or through some body else. The signature on the, renewal application has also been denied by respondent No. 5. That being the position the application of transfer was not allowed.

3. We have heard learned Counsel for the parties and also perused the record. Counter and rejoinder affidavits have been exchanged between the parties.

4. In the writ petition there is no challenge of the finding regarding forged signature of respondent No. 5 on the renewal application. That being the position, we are of the considered opinion that if the renewal has been obtained by putting forged signature, the petitioner disentitled himself from getting the licence transferred.

5. The writ petition is misconceived. It is, therefore, dismissed.