

Item No.46

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

20.04.2021
Ct-24

W.P.A.4229 of 2021
Atarul Shaikh & Ors.

v

The State of West Bengal & Ors.

Mr. Angshuman Chakraborty
Mr. Amanul Islam
... for the petitioners.

Mr. N.C. Bihani
... for the State.

The petitioners are 'Sufalbhogi' and they have been entrusted by the Forest Department, Government of West Bengal for the purpose of cutting of trees and for protection of the forest. The petitioners are entitled to receive 25% of the amount as and when the trees will be cut.

A lifting order dated November 22, 2019 has been annexed at page 23 of the writ petition which was issued by the Executive Engineer, Nadia Highway Division regarding the sale with disposal including stump uprooting of 934 numbers of different categories of trees located on both sides of the Palashipara-Barnia Road.

The petitioners submit that 25% of the sale amount which was supposed to be transferred to the petitioners has not been transferred till date. The

petitioners made representation before the Block Development Authority demanding the amount due to them by representation dated December 26, 2019 followed by reminder dated June 6, 2020. None of them have been considered by the respondents till date.

The learned advocate representing the State respondents submits, upon instruction, that the money was duly paid by the PWD Department to the Forest Officer. It has, however, not been paid to the petitioners till date. It has been submitted that steps are being taken for disbursal of the money in favour of the beneficiaries.

In view of the above, the writ petition is disposed of by directing the Forest Range Officer, Krishnanagar Range as well as the Block Development Officer, Tehatta-II to take steps for disbursal of the amount that is due and payable to the beneficiaries, strictly in accordance with law, after giving an opportunity of hearing to the necessary parties, at the earliest, but positively within twelve weeks from the date of communication of a copy of this order.

WPA 4229 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)