

33 16.08.2022

gd/ssd

WPA(P)/199/2022
SANJIT JANA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sanjib Kumar Mal,
Mr. Soumen Bhattacharjee
..for the Petitioner.

Mr. Jahar lal Dey,
Mr. Nilotpall Chatterjee
..for the State.

Mr. Sukanta Chakrabarty,
Mr. P. Karan Singh,
Mr. Anindya Halder
..for the Respondent No.10.

In this public interest petition grievance raised by the petitioner is that the private respondent no.10 was cutting the trees in Village-Dhulagori, Kolkata Mouza - Jala Dhulagori, Old Dag No.215 (New Dag No.224) under Dhulagori Gram Panchayat in the district of Howrah. It is alleged that 30 trees were cut by the respondent no.10 between the period from December, 2020 to January, 2021 and thereafter again some trees in that area were cut by the respondent no.10. Therefore, repeated complaints were made by the petitioner and thereafter present public interest petition was filed for taking appropriate action against the illegal falling of trees.

Learned counsel for the State has informed that the FIR was registered against the respondent no.10

and the charge-sheet No.1025 of 2021 in FIR No.214 of 2021 has been filed for the offence under Section 447 of the IPC and Section 11 of the West Bengal Forest Protection Act, 2006.

Learned counsel for the petitioner has submitted that in terms of Section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 the respondent no.10 is required to undertake plantation of the number of trees which he had cut and is required to pay compensation in case of failure to undertake plantation.

Learned counsel for the State has pointed out that the competent authority to take such an action is the respondent no.7/Devisional Forest Officer.

Hence, we dispose of the present writ petition by directing the respondent no.7 to take appropriate action in terms of Section 8 of the Act of 2006 against the respondent no.10 with due compliance of principles of natural justice.

Learned counsel for the respondent no.10 has submitted that the trees were cut after intimation to the competent authority, but it is not the stand of the learned counsel for the respondent no.10 that any permission from the competent authority was obtained.

Hence, this issue can also be gone into by the respondent no.7 while taking appropriate decision in

terms of Section 8 of the Act of 2006.

Let this exercise be completed within a period of three months from the date of receipt of a copy of this order.

The petition is, accordingly, disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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