

03.11.2022
Sl. No.23(DL)
srm

W.P.A. No. 10855 of 2022

Ranjit Kumar

Vs.

The State of West Bengal & ors.

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar

....for the Petitioner.

Mr. Ansar Mandal,
Mr. Sougata Mitra

...for the State-respondents.

Ms. Diksha Ghosh

...for the Respondent No.6.

Affidavit-of-service is taken on record.

The petitioner prays for a direction upon the Pradhan, Begunkodar Gram Panchayat, Jhalda-II Development Block, Purulia to compensate the petitioner by paying an amount of Rs.50,000/- which was paid as fine in the confiscation proceeding and also by paying approximately an amount of Rs.21,00,000/-, which has been paid by the petitioner to the respondent No.6 as rent/hire charges for hiring the boring instruments.

According to the petitioner, on the direction of the Nirman Sahayak of the concerned gram panchayat and on the basis of the work order issued by the gram panchayat,

the petitioner had started the work for installation of deep tube-wells. Proceedings were initiated by the forest authorities and the boring vehicles were seized. They were released upon payment of Rs.50,000/- as fine.

Thus, the petitioner relies on the order of the forest authorities and submits that the Divisional Forest officer, Purulia Division had categorically mentioned that the fault was not on the part of the petitioner but on the part of the Nirman Sahayak of the gram panchayat who had identified the place for such activity. The petitioner urges that the entire period when the vehicles had been confiscated, the petitioner had to pay rent to the respondent No.6 as per an agreement.

The learned Advocate for the respondent No.6 submits that the rent had been received. However, there are no documents in this writ petition which would indicate that the petitioner had paid the rent to the respondent No.6 and which he now seeks to be reimbursed by the panchayat authorities.

The observation of the Divisional Forest Officer that the Nirman Sahayak had indicated the place where such boring activity should be done and that the petitioner was not responsible for the same, cannot give rise to a cause of action to file a writ petition, seeking damages from the

panchayat authorities. These are matters of evidence and cannot be decided by the writ court. Observations in the confiscation proceedings, justifying release of the vehicle cannot be the basis for a direction upon the panchayat authorities to pay damages to the petitioner.

However, the petitioner is at liberty to approach the Block Development Officer, Jhalda-II Development Block, Purulia with his contentions. If such approach is made, the same shall be disposed of within a period of eight weeks from the date of receipt of the representation of the petitioner. The petitioner, panchayat authorities and all other interested parties must be heard before the decision is taken and communicated to all.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)