

07.07.2022
Sl. No.345(ML)
srm

W.P.A. No. 17315 of 2021
Shantinagar Housing Pvt. Ltd. & Anr.
Versus
The State of West Bengal & Ors.

Mr. Amitava Mukherjee,
Ms. Arpita Saha,
Ms. Ankita Ghosh

...for the Petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal

...for the State-respondents.

Mr. Kushal Chatterjee,
Mr. Abir lal Chakravarti

...for the Respondent Nos.5, 6 & 7.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder

..for the HMC.

Having considered the rival contentions and upon taking note of Section 17 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (hereinafter referred to as the said Act), this Court is of the view that the Inspector-in-Charge, Liluah Police Station shall make an enquiry with regard to the allegation of the petitioners in the presence of the petitioners and the respondent Nos.5, 6 and 7. The enquiry will be held upon hearing the respective parties.

Assessment of the documents produced by the parties shall be made. Statements of local persons shall be recorded. Thereafter a decision shall be arrived at.

If the Inspector-in-Charge, Liluah Police Station is of the *prima facie* view that there may have been a commission of offence covered under the said Act, the same shall be forwarded to his superior authority and the superior authority shall act and proceed on the basis of the provisions of Section 17(2) of the said Act.

This Court has not expressed any opinion with regard to the dispute as it is the specific case of the respondent Nos.5, 6 and 7, that the banyan tree did not exist when the said respondents had taken possession of the said land. They are constructing the building, upon obtaining valid sanction from the Howrah Municipal Corporation.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)