

Sl. No.18
07.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17031 of 2019

Ismail Shah
versus
State of West Bengal & Ors.

Mr. Sk. Samim Akhter

... for the Petitioner

Mr. Amitava Mitra

... for the respondent nos.1 & 4 to 8

Leave granted to the learned Advocate on Record of the petitioner to correct the description and address of the respondent no.5 in the cause title of the writ petition.

The petitioner is aggrieved by the order dated 3rd October, 2018 passed by the Executive Officer, Kolaghat Panchayat Samity in postponing the cutting process of trees standing at Topor Cannel Bank (South side and North side) under Kolaghat Panchayat Samity in view of pendency of the writ petition being W.P. 19861 (W) of 2017.

A felling order was issued in favour of the petitioner on 20th June, 2017 by the Executive Officer, Kolaghat Panchayat Samity, wherein it has been mentioned that the bid of the petitioner in the auction held on 1st June, 2017 at Kolaghat Panchayat Samity for purchase of 5017 numbers of trees against the felling

order stands highest and he has subsequently deposited the required amount in full.

The petitioner was permitted to cut the tress as mentioned in the felling order at the noted site with immediate effect. The cutting process ought to have been completed within three months after which the petitioner was required to contact the Range Officer, Panskura for obtaining the transit pass as per the existing norms and rules.

The petitioner has submitted before this Court that there is no interim order pending in the writ petition mentioned hereinabove i.e. W.P. 19861 (W) of 2017.

There is no restraint order to proceed with the felling order issued in favour of the petitioner.

Learned advocate for the petitioner submits that most of the trees have been stolen away by now. He seeks permission to fell the remaining trees that are standing at the site.

None appears to oppose the prayer of the petitioner on behalf of the Kolaghat Panchayat Samity despite service.

Affidavit of service filed in Court is taken on record.

As it appears from the documents annexed to the writ petition that there is an order in favour of the petitioner permitting him to fell trees way back in the year 2017 and in the absence of any restraint order, the Panchayat Samity ought to permit the petitioner to

proceed with the felling order, accordingly, the communication made to the petitioner directing him to postpone cutting process of trees is set aside. The petitioner is permitted to act in accordance with the felling order being memo No.369/I-16/T&Q/Kolaghat P.S dated 20th June, 2017.

The Range Officer, Panskura is directed to issue necessary transit pass in favour of the petitioner for carrying trees from the site to his godown.

Affidavit of service filed in Court today be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)