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jdt.

21.11.2022
jb.

W.P.A. 19400 of 2022
(Berapal Forest Protection Committee vs. State of West Bengal
& Ors.)

Mr. Aritra Shankar Ray
.... For the Petitioner
Mr. S. Banerjee
Mr. A. K. Nag
.... For the State
Mr. Amimesh Das
..... For the Respondent No. 8

Heard learned counsels for the parties.

The petitioner, being the Member Secretary of the Berapal Forest Protection Committee is aggrieved by the fact that the private respondents have encroached upon a portion of the forest land and have been raising construction therein. The petitioner submitted a representation in this regard before the concerned authority on several occasions, the last being on 29th June, 2022 which have not yet been considered. The petitioner prays for direction upon the authority to consider the representation at the earliest.

The petitioner complains that though direction for enquiry was given by the third respondent to the 5th respondent, nothing further has happened thereafter.

It is submitted on behalf of the State respondents that the third respondent be directed to consider the representation submitted by the petitioner dated 29th June, 2022 in presence of the 2nd respondent, in accordance with law.

It is submitted on behalf of the private respondents that the private respondents have not encroached upon any portion of forest land and have been raising construction in the plot allotted to them by the Government of West Bengal. The private respondents have paid revenue for the said patta land.

Be that as it may, since the representation submitted on behalf of the petitioner is pending before the authority, the authority should be directed to consider the said representation within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 29th June, 2022 upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, private respondents as well as the State authority, within two months from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the stakeholders within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)