

September 20, 2022
AD 11
Court No.1
SG

WPA(P) 429 of 2022

Bindu Bhusan Dey and others
vs.
The State of West Bengal and others

Sk. S. Ali, Advocate
... for the petitioners

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates
... for the State

Mr. Uttam Kumar Bhattacharya, Advocate
... for the respondent No.7

Mr. Soumen Kumar Dutta,
Mr. Sabyasachi Bhattacharjee, Advocates
... for the private respondent

The allegation in this public interest petition is that the private respondent is running a saw-mill in the area concerned and the said saw-mill is being run without any valid permission from the competent authority under the West Bengal Forest (Establishment and Regulation of Saw-Mills and other Wood-based Industries) Rules, 1982.

Learned counsel for the petitioners has drawn attention of this Court to the order dated 28.07.2022 passed in WPA 15879 of 2022 whereby the writ petition filed by the petitioners was held to be not maintainable by observing that the petition had flavour of a public interest petition. At this stage, learned counsel for the petitioners has prayed for limited directions to the respondent No.5 to decide the representation dated 05.07.2022.

Learned counsel for the State has fairly submitted that there is no objection in deciding the representation. His only submission is that the issue of shares of co-owners cannot be gone into by respondent No.5.

Since the grievance is in respect of illegally running of saw-mill and that is the main controversy involved in the matter, therefore it will be duly considered by respondent No.5.

Hence, we dispose of the present petition directing respondent No.5 to duly consider and decide the petitioners' representation dated 05.07.2022 in the light of the observations made above and after giving opportunity of hearing to all the concerned parties and conducting an inquiry, if required, in accordance with law.

Let this exercise be concluded within a period of 4 months from the date of receipt of a copy of this order.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]