

23 12.12.2022

gd/ssd

WPA(P)/597/2022
SHAHAJAMAL SEKH
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Duke Banerjee
..for the Petitioner.

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

The petitioner claiming himself to be a traditional forest dweller residing at Kultali Islands of Sundarban has raised a plea that the traditional forest dwellers are not permitted to collect the snails and that it is their usual activity to collect and supply from the forest area and these shells are also used in the cottage industry.

Learned counsel for the petitioner referring to the reply dated 30th May, 2022 sent in response to the information sought under the RTI Act, has pointed out that there are only 24 protected species of snails covered under the Wildlife Protection Act, 1927 and that the petitioner is not collecting those protected categories.

Learned counsel for the petitioner has submitted that though the representation dated 18.07.2022 was submitted to the Principal Chief Conservator of Forests, but no action has been taken on the said representation.

Learned counsel for the State has opposed the petition by submitting that the issue is covered by the Biological Diversity Act, 2002 and snails are covered under the Forest Resources, therefore, their collection cannot be allowed. He has submitted that the petitioner does not have necessary licence and certificate but he has fairly submitted that if the petitioner files a representation before the concerned Divisional Forest Officer, then his grievance will be duly looked into.

Learned counsel for the petitioner has agreed for it.

Hence, we dispose of the present petition granting liberty to the petitioner to file appropriate comprehensive representation before the concerned Divisional Forest Officer, who, on receipt of the same, will duly look into the grievance of the petitioner and pass a reasoned speaking order and communicate to the petitioner as expeditiously as possible preferably within a period of three months from the date of its receipt.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

