

S/L 76
06.06.2022
Court No.1
Sourav

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

MAT No. 6 of 2022
With
CAN 1 of 2022

Premananda Saha
Vs.
The State of West Bengal & Ors.

Mr. Deborshi Dhar

...for the Appellant.

The appeal is directed against the judgment and order dated January 28, 2021 passed in two writ petitions. By the impugned judgment and order, the learned trial judge dismissed the writ petition directed against an order passed by the appellate authority exercising jurisdiction under the provisions of the Indian Forest Act, 1927.

It is the contention of the appellant that the provisions of the West Bengal Forest Produce Transit Rules, 1959 stands attracted and that the alleged infraction can be compounded under Rule 16 thereof.

There is no material on record to suggest let alone establish that the 144 pieces of logs which were seized belonged to any of the owners of any immovable property. No owner of any immovable property came forward before the adjudicating authority or the appellate authority under the Indian Forest Act, 1927 or before the learned trial judge

to claim that the logs were cut from trees on land belonging to such owner of the land.

The appellant is unable to establish any infraction of the principles of natural justice by the authority or the appellate authority exercising powers under the Indian Forest Act, 1927. There is no material on record to establish that the provisions of the West Bengal Forest Produce Transit Rules, 1959 stands attracted.

By the impugned order, the learned trial judge was pleased to reject the petition directed against the order of the appellate authority exercising jurisdiction under the Indian Forest Act, 1927.

We are of the view that the appellant is unable to make out any ground warranting an interference with the judgment and order impugned.

In view of the order passed, the respondents be served with this order and the memorandum of appeal and the connected application within seven days from date.

Accordingly, MAT 6 of 2022 along with the interim application being CAN 1 of 2022 stand disposed of.

There shall be no order as to costs.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)