

08
06.10.2023
Ct. No.10
b.das

WPA 2919 of 2023

Brahmarsi Satyendra Sannyas Ashram (Trust) & Anr.
Vs.
Union of India & Ors.

Mr. Chittapriya Ghosh
Mr. Kuntal Ray
Ms. P. Saha ...for the petitioners.

Mr. Pantu Deb Roy
Mr. Rajarshi Basu
Mr. A. K. Nag ...for the State.

Mr. Dilip Kr. Chatterjee ...for UOI.

Report in the form of affidavit submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The 1st petitioner is an Ashram which is occupying the plot in question since 1970.

The petitioners applied for regularisation/settlement of 5.00 acres of the forest land in exchange of equivalent quantum of land of the Ashram which was forwarded to the Additional Chief Secretary, Department of Forests, Government of West Bengal by the Principal Chief Conservator of Forests and Head of Forest Force, Government of West Bengal by a letter issued on 14th August, 2012.

Subsequently by a letter dated 9th November, 2017, the Divisional Forest Officer, Jhargram Division stated that the proposal of the petitioners could be considered subject

to certain conditions. No objection was also issued by the Conservator of Forests, Wildlife (HQ), West Bengal by a letter issued to the Divisional Forest Officer, Jhargram Division on 28th December, 2017.

In the meantime, there was an amendment in the Rules and such proposal was made by the petitioners online in terms of the Rules.

The said application is pending before the authority till date. The petitioners seek a direction upon the authority to complete the process in terms of Rule 6 of the Forest Conservation Rules, 2003, as amended in 2017.

It is submitted on behalf of the State respondents that the concerned authority be directed to complete the process pending before it, in accordance with law.

Learned counsel for the Union of India submits that the authority shall be in a position to consider the proposal of the petitioners subject to recommendation of the same by the State government.

In view of the above, the writ petition is disposed of directing the respondent authorities to deal with the proposal submitted by the petitioners and take the same to its logical conclusion within a period of three months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the concerned authorities shall be at liberty to decide the issue independently without being influenced by any observation that may have been made in this order.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)