

Ct. 05
Item No.08
24.04.2023
(Suvendu)

WPA 6611 of 2023

Paritosh Mali
Vs.
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta
.....for the petitioner

Mr. Domingo Gomes
.....for the State

1. The petitioner is aggrieved by a rejection dated 21st September, 2022 by the concerned Divisional Forest Officer on the ground that the matter is subjudice before the High Court.

2. The petitioner had made an application for a license to carry on the business of a Saw Mill which was purchased by the petitioner from one Bimal De in 2019.

3. The State is represented.

4. An order passed by the Division Bench hearing Public Interest Litigation on 20th September, 2022 records that the PIL was disposed of by directing the DFO to consider and decide the representation made by the petitioners within a period of four months from the date of receipt of the order. The private respondent before

the Division Bench is the petitioner before this Court.

5. Counsel for the State is not aware as to whether the concerned DFO has complied with the directions passed by the Division Bench or not.

6. Whatever be the case, the impugned order passed one day after the order passed by the Division Bench cannot be sustained since the State was represented before the Division Bench and should have been aware of the matter being disposed of by the Division Bench. The impugned order dated 21.09.2022 is accordingly quashed. The petitioner's application should be considered by the concerned DFO and a decision should be arrived at within four weeks from date. The petitioner shall be heard and the petitioner's eligibility should be considered under the relevant Act and Rules. A copy of the reasoned order shall be made available to the petitioner within one week from the date on which such decision is taken.

7. WPA 6611 of 2023 is disposed of in terms of the above.

8. It is made clear that this Court has not gone into the merits of the case.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)