

02.05.2023

ML.216

Ct. No.1

PG/KS

W.P.A. 6472 of 2020
With
IA No. CAN 1 of 2020 (Old No. CAN No.5132 of 2020)

Ashoke De & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samik Ganguli
Mr. Pritam Choudhury
Mr. Abhishek Addhya
Mr. Sayan Roy for the Petitioners

1. By this public interest litigation, the petitioners, who are all residents of Lauria Muktapur village had sought for appropriate direction on the official respondents to take action against the private respondent nos.10 to 14 on the allegation that they were involved in illegal cutting down of trees and having smuggled them out of the forest area.
2. Pursuant to the directions issued by this Court earlier, a report had been filed by the Divisional Forest Officer, Panchet Division, Bishnupur, Bankura district. On a perusal of the said report, it is seen that illegal felling of trees has occurred and it is admitted by the forest department. The

action taken against such illegal felling up trees has also been mentioned and curiously the report states that F.I.R. has been registered against some of the writ petitioners also. The report does not state anything about the remedial measures, which are required to be taken but it is alleged that in the general meeting of the Lauria-Muktapur Joint Forest Management Committee held on 6th August, 2020 at Chagulla Beat Compound, it was decided to debar the members of Muktapur from the Lauria-Muktapur Joint Forest Management Committee as they were fully involved in illicit felling of trees.

3. The petitioners have filed exceptions to the report stating that the allegation is absolutely false and the F.I.R., which is stated to be registered is on a different set of facts. Be that as it may, the forest department having admitted to the illegal felling of trees, it has to be seen as to what steps need to be taken and what is to be done in the matter. There is a policy evolved by the State Government that whenever a tree is to be cut, as many as 10 trees have to be planted so as to maintain the green cover.

4. We find from the communication sent by the Divisional Forest Officer, Panchet Division, Bishnupur to the Range Officer, Onda Range dated 22nd July, 2020, the following action was decided to be taken.

“In this context you are directed to take the following actions:

- i) Instruct your Beat officer & staffs of Chhagulia Beat to be more vigilant, to conduct regular patrolling and adopt other means for effective forest protection. Any lapse in this regard will be viewed seriously.*
- ii) You should also arrange for joint patrolling involving staffs and officers from other Beats as well as that of Range Head Quarter to make the protection mechanism more effective.*
- iii) You should initiate necessary action to debar the villagers of Muktapur village (those who were involved in this illicit activity) from being members of the JFMC in consultation with Panchayet Administration.*
- iv) Keep liason with the General & Police Administration to stop any further damage to forest by those villagers.”.*

5. It is not clear as to whether the above directions have been complied with or any further directions have been issued by the higher officials of the forest department. We are confident that the forest department will take more effective steps and maintain vigilance in the area, so that the illegal felling of trees is prevented.

6. If according to the department, the petitioners and others are also involved in the illegal felling of trees, it is always open to the department to take necessary steps in accordance with law.
7. The petitioners have lodged a complaint against the private respondent nos.10 to 14 alleging that they are involved in the illegal felling of trees. This aspect also has to be examined by the concerned authority.
8. Accordingly, we dispose of this writ petition and the connected application by directing the Divisional Forest Officer, Panchet Division, Bishnupur/4th respondent to take all remedial steps to maintain vigil in the area and prevent any further illegal felling of trees and whatever action they have already initiated against the miscreants shall be taken to the logical end.
9. The 1st respondent viz. the Principal Secretary, Department of Forest, State of West Bengal is also directed to issue necessary guidelines, which can be implemented by all the Divisional Forest Officers in the State.
10. The Lauria-Muktapur Joint Forest Management Committee shall be reconstituted with persons of

impeccable character and good knowledge of forest and forest produce and they shall work in coordination with the officials of the forest department and take all steps to prevent any illegal felling of trees.

11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities..

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)