

05-01-2023
ct no. 13
Sl.1
sp

WPA 12569 of 2018

Somnath Sarkar

-Versus-

The State of West Bengal & Ors.

Mr. Gautam Banerjee,
Ms. Chumki Das Bairagya

....for the petitioner

Mr. Z. Islam,
Mr. A. Salam

...for the State

Mr. Keshab Chandra Das,
Mr. Biplab Adak

...for the respondent no.9

The order dated December 2, 2022 is
mentioned for correction.

In the cause title of the said order, the
expression “WPA No. 12569 of 2022” shall stand
corrected to read as “WPA 12569 of 2018”.

Let the aforesaid correction be incorporated in
the order dated December 2, 2022.

The other parts of the said order shall remain
unaltered.

It appears that the dispute relates to cutting of
certain ‘Mehogini’ also called ‘Sisu’, trees. It is alleged
that the trees were part and parcel of a Debottor
property. One Mansa Ghosh is stated to have
obtained permission of co-sharers/sebaitis to cut the
said trees for the purpose of ensuring smooth electric
supply to the local village was during the rainy and
stormy season.

This Court directs the Office-in-Charge, Pursurah Police Station, Hooghly to cause an enquiry as to whether the felling of the entire tree was required for the purpose of ensuring non-disruption of the electricity supply and lines in question. It shall also be enquired as to whether if pruning of the branches of the trees in question was sufficient and whether the entire trees was culled of for any collateral purpose. It shall also be enquired as to whether the permission of the local Panchayat Forest Officials, was necessary and was taken before the trees themselves were culled down.

The Pursurah Police Station shall register formal FIR and make enquiry and file a final report before the Jurisdictional Magistrate, within a period of 3 months from date.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)