

27 01.09.2023
rkd Ct.15

W.P.A. 19861 of 2017

Narayan Bhowmik & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

....for the petitioners.

Mr. Sirsanya Bandhopadhyay,
Mr. Parikshit Goswami

....for the State.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioners and the State respondents.

At the threshold the learned advocate representing the State respondents submits that the affirmed affidavit-in-opposition is lost and the learned advocate representing the petitioners has supplied copy of the affidavit-in-opposition which was used on behalf of the State respondents.

A copy of the said affidavit-in-opposition has been filed before this Court which is taken on record and the same shall be treated as original till the affirmed copy is traced out and filed before this Court.

Petitioners were engaged as beneficiaries in connection with Afforestation Project vide

agreement dated 6th September, 2005, terms and conditions of the said agreement are delineated in the agreement itself. One of the salient terms and conditions is after the trees are matured and full grown those are to be sold and 25% of the sale proceeds shall be given to the beneficiaries.

Petitioners being engaged as beneficiaries vide agreement dated 6th September, 2005 claimed twenty five per cent of the sale proceeds since 5017 number of trees were sold by the respondent authorities which were nurtured and the trees were matured under the supervision of the beneficiaries.

The learned advocate representing the State respondents submits upon drawing attention to paragraph 7 of the affidavit-in-opposition filed by the Block Development Officer, Kolaghat Block that decision has already been taken in the meeting dated 24th March, 2017 that 25% of the sale proceeds after selling 5017 number of trees to be paid to the petitioners but due to pendency of this writ petition steps could not be taken for releasing the said amount.

Having considered the submissions made on behalf of the petitioners as well as State

respondents and in consideration of the affidavit-in-opposition used on behalf of the respondent authorities it appears that the claim of the petitioners due to selling of 5017 number of trees is admitted as it is apparent from the resolution dated 24th March, 2017 which is at page 14 of the affidavit-in-opposition and averments made in paragraph 7 of the said affidavit.

In view of aforesaid facts that the concerned respondent authorities have already admitted the claim of the petitioners as alluded above the Block Development Officer, Kolaghat Block as well as concerned Panchayat Samity are directed to take necessary steps for release of 25% of the sale proceeds to the petitioners, if the trees have been sold in the meantime pursuant to the decision taken in the meeting dated 24th March, 2017 within six weeks from the date of communication of this order. Before release of sum petitioners are required to prove their engagement as beneficiaries.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)