

22.08.2023

Item No.5

Ct. No.1

PG/AGM

W.P.A.(P) 443 of 2023
Paribesh Academy & Anr.
Vs.
State of West Bengal & Ors.

Mr. Bikash Shaw.....for the petitioners

Mr. Sk. Md. Galib

Mr. Tamal Taru Panda.....for the State

Mr. Arjun Ray Mukherjee....for the respondent no. 2

1. This writ petition has been filed as a public interest litigation by a society stated to be registered under the provisions of the West Bengal Societies Registration Act, 1961. The complaint of the petitioners is with regard to the illegal felling of trees. The first of such complaint has been made on 12th July, 2022 alleging that several trees were cut down in the premises of the Tarakeshwar Rural Hospital in utter violation of the statutory requirements, which would require the permission from the appropriate authority.
2. The learned Government counsel submitted that even as early as on 20th June, 2022 the said rural hospital has been granted permission by the Forest Ranger as the trees had to be removed for construction of the primary health unit block, COVID block and BPHU. Therefore, the allegation

made by the petitioners that trees were cut down in Tarakeshwar Rural Hospital in violation of the guidelines is incorrect.

3. The other complaints have got a personal agenda of the office bearers of the society since in one of the complaints dated 29th October, 2022 the complaint is against felling of trees done by a neighbour of the President of the petitioners/society. This aspect cannot be examined in a public interest litigation and it will be well open to the petitioners or the President of the society to initiate appropriate action against his neighbour before the appropriate forum, if any of the civil rights has been violated.
4. So far as the complaints, which have been lodged before the authorities, we find that one such complaint given to the Sub-Divisional Officer has already been forwarded to the Inspector-in-Charge for initiating appropriate action by proceeding dated 17th May, 2023 and the Inspector-in-Charge, Bhadreswar Police Station, Hooghly is directed to look into the said complaint and consider as to whether any criminal offence has been made out, as alleged in the representation given by the petitioners, which was forwarded by the Sub-Divisional Officer,

Chandannagar to the Inspector-in-Charge under cover of his letter dated 17th May, 2023.

5. In other respects, if the petitioners have got any grievance with regard to felling of trees in a public property in violation of the norms, it is well open to the petitioners to file appropriate representation before the concerned authority.
6. The instruction given by the learned Government counsel is taken on record.
7. With the above observations, the writ petition is disposed of.
8. No costs.
9. 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)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)