

25.09.2023

Item No.6

Ct. No.1

PG/RP

W.P.A.(P) 494 of 2023

Sanjit Jana

Versus

The State of West Bengal & Ors.

Mr. Soumen Bhattacharya

Mr. Ankan Das.....for the petitioner

Mr. Rajarshi Basu

Ms. Rajyashree Mukherjee.....for the State

1. This is a second time the petitioner is before this Court alleging that the private respondent no. 10 illegally fell 125 to 130 trees in Mouza Jola Dhulagori, J.L. No. 2, R.S. Plot No. 225 (L.R. 224) under Dhulagori Gram Panchayat.
2. Earlier, the petitioner had filed the writ petition in W.P.A. (P) 199 of 2022 alleging that the private respondent therein, namely, the 10th respondent in the said writ petition had illegally fell trees. The writ petition was disposed by order dated 16th August, 2022 directing the Divisional Forest Officer to take action in terms section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (for brevity 'the 2006 Act'). In terms of the direction, an order was passed by the Divisional Forest Officer on 12th

October, 2022 issuing certain directions against the offender, one Ansu Prakash Saha.

3. It appears that the said Ansu Prakash Saha had complied with the directions issued in the order passed by the Divisional Forest Officer dated 12th October, 2022. Thereafter the said Ansu Prakash Saha has sold the property to the 10th respondent, namely Asto Manna, Son of Late Jiban Krishna Manna and the allegation is that the 10th respondent herein has once again illegally fell about 125 to 130 trees. In this regard a complaint has been lodged to the Divisional Forest Officer on 23rd May, 2023, which is said to be received in the office of the Divisional Forest Officer on 26th May, 2023.
4. Since the writ petition is disposed of without calling for affidavits and since the 10th respondent is not appearing either in person or through his counsel despite service of notice on the 10th respondent, we direct the Divisional Forest Officer, Howrah Division, the 7th respondent herein to immediately consider the representation given by the petitioner dated 23rd May, 2023, issue notice to the 10th respondent, cause an inspection of the area and proceed to pass appropriate orders on merits and in

accordance with law in terms of section 8 of the 2006 Act.

5. This direction be complied with within a period of six weeks from the date of receipt of server copy of this order.
6. With the aforesaid directions, the writ petition is disposed of.
7. No costs.
8. 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.)