

07-06-2023

Court No.2

bm/27.

In The High Court At Calcutta

Jalpaiguri Circuit Bench

W.P.A.1142 of 2023

Joy Guru Wood Proces,

Represented by its partner Partha Ghosh

Vs.

State of West Bengal and another

Mr. Debayan Goswami

Mrs. Mrinmayee Das

Mr. Raj Kumar Mitra

.....For the Petitioner

Mr. Bikramaditya Ghosh

Mr. Subir Kumar Saha

..... for the State

This is an application under Article 226 of the Constitution of India praying for direction on the respondent authorities to hold enquiry to issue general licence to the petitioner for running a saw mill.

Learned Counsel appearing for the petitioner submits as follows. The petitioner had been running saw mill since 1984 and has been paying necessary charges as applicable. In 1984 the petitioner made an application to establish a saw mill before the respondent authorities at a particular location. In 2005 it

was made clear by the respondents that the petitioner should establish the said saw mill, but not on the same location that was within two kilometers from the forest area. In 2006 the petitioner made a representation that he was willing to comply with such direction. In 2013 it made further representation before the respondent authorities stating that it had already shifted the saw mill. The petitioner continued to make representations in this regard. In 2022 the petitioner again wrote to the respondent authorities in this regard, but the representation of the petitioner in this regard has not been considered yet.

Learned counsel appearing on behalf of the state submits as follows. The representation made by the petitioner in 2005 only mentioned about the willingness of the petitioner to shift. An effective communication stating about shifting of the saw mill was made only in 2002. Since 2005 several changes have taken place regarding the policy of the State regarding mills near forest areas. However, the if representation is to be considered, the respondent no.6 is the appropriate authority to do so.

I have heard learned Counsels for the parties and have perused the writ petition.

It appears that the petitioner has been making representations before the respondent authorities for shifting its saw mill so as to obtain licence after complying with the necessary regulations. But, the said representations have remained pending consideration.

In view of the above and in the interest of Justice, I direct the respondent no.6 to consider the representation of the petitioner dated 01.03.2023 within six weeks from the date of the communication of this order after granting an opportunity of hearing to the petitioners in this regard. The result of the consideration shall be communicated to the petitioner within a fortnight therefrom.

This writ application is, accordingly, disposed of.

Urgent Xerox certified copy of this order, if applied for, be supplied on priority basis.

(Jay Sengupta, J.)