

29.07.2024
Sl. No.13(DL)
srm

W.P.A. No. 22347 of 2022

Biswajit Banerjee

Versus

The State of West Bengal & Ors.

Mr. Suman Dey

...for the Petitioner.

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

The petitioner is aggrieved by a communication dated August 1, 2017, issued by the Range Officer, Basirhat Range, Sundarban Tiger Reserve. The petitioner was communicated that the BLC (Reg. No.BN/F-134) was cancelled.

The petitioner submits that the cancellation was without any reasons. It is further contended that although there are records to show that the Field Officer had intimated that 207 licence holders were not using the boats and the licences were defunct, the petitioner did not come within such category. Such report was with regard to some other divisions and not Basirhat Range. The petitioner contends that although the petitioner had asked for information under the Right to Information Act, the Range Officer, Basirhat Range,

Sundarban Tiger Reserve neither answered the queries nor supplied the relevant documents.

Aggrieved, the petitioner has approached this Court. It is submitted that the petitioner is a fisherman and his livelihood depended on such fishing activity.

Upon perusal of the records, it appears that the Director PCCF & Director Sundarban Biosphere Reserve, West Bengal issued an office order on June 8, 2017, *inter alia*, stating that as per the proposal submitted by the Deputy Filed Director, Sundarban Tiger Forest dated June 2, 2017, BLCs of 207 boatmen were cancelled. The BLCs had become defunct. It was further stated that on the basis of the proposal submitted by the Divisional Forest Officer, 24-Parganas (South) Division dated June 8, 2017, 635 dis-functional licences were also cancelled with immediate effect. Finally, the Deputy Filed Director, Sundarban Tiger Forest and Divisional Forest Officer, 24-Parganas (South) Division were directed to follow the procedure for issuance of new BLCs on the basis of the Department of Forest, Government of West Bengal's Memo No.376-For/312/MIC/FOR/16, dated 03-02-2017.

It is not evident from the records whether the petitioner's BLC was included in one of the lists. In any event, there is a procedure to be followed for grant of new BLCs. The

petitioner may apply for issuance of a fresh BLC, as it is contended by the petitioner that the petitioner wishes to continue with such fishing activity for his livelihood.

If the petitioner applies in the prescribed format and is otherwise eligible as per the memorandum referred to hereinabove, the concerned authority shall decide the issue of grant of new BLC to the petitioner, in accordance with law. If the authority finds that the petitioner is ineligible, then the petitioner shall be informed about such reasons. The petitioner shall be heard.

A reasoned order shall be passed and communicated to the petitioner within a period of two months from the date of petitioner applying before the appropriate authority.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)