

09
14.02.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 3580 of 2025

**Susanta Banerjee
-versus
Union of India & Ors.**

**Mr. Neil Basu,
Mr. Abhinav Rakshit,
Mr. Sankha Biswas,
Ms. Swastika Chowdhury.
...For the Petitioner.**

**Mr. Diraj Trivedi, Sr. Adv. DSGI,
Ms. Anamika Pandey.
...For UOI.**

**Ms. Ipsita Banerjee,
Mr. Akash Dutta.
...For the State.**

1. Affidavit of service filed in Court today is taken on record.

2. The matter arises consequent to the application made by the petitioner for registration of birds in the Parivesh Portal under the Living Animal Species (Reporting and Registration) Rules, 2024. The petitioner has been intimated about the rejection of the said application. The reason or the ground for rejection of his application has not been communicated to him.

3. In the absence of the ground or reason for rejection, the petitioner will not be in a position to appeal against the said order of rejection.

4. Intimation of rejection has been made by the Monitoring Cell (Environment, Forests and Wildlife Clearances), Ministry of Environment, Forest and Climate Change, Government of India.

5. According to the notification dated 28th February, 2024 by the Ministry of Environment, Forest

and Climate Change, Government of India, the management authority or the authorized officer has the power to reject an application, if not found complete in all respects and the order of the management authority or the authorized officer is to be in writing and to be signed and dated by him.

6. In the instant case, no order of the management authority or the authorized officer has been communicated to the petitioner. Only the intimation of rejection has been uploaded in the Parivesh Portal.

7. For the petitioner to take up the issue further, the ground for rejection is to be communicated to the petitioner so that steps may be taken by him to rectify the defects or to meet up the shortcomings.

8. In view of the above, the competent authority is directed to communicate the petitioner the reason(s) for rejecting his application so that the petitioner may approach the competent authority for redressal of his grievances.

9. Steps shall be taken in the matter at the earliest but positively within a fortnight from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter. All points are kept open for the petitioner to agitate before the appropriate competent authority.

10. The petitioner shall however, be restrained from parting with the subject species and shall also the same as custodian till a fortnight after communication of the reasoned order.

11. The reasoned order shall clearly specify the appellate authority so that, in the event the petitioner is aggrieved, appeal can be preferred within the stipulated time period.

12. Be it recorded that the copy of the writ petition has been served upon all the authorities and

the respective departments shall take prompt necessary action in the matter.

13. As non-registration of the birds leads to penal consequences, accordingly, the respondents are restrained from taking any coercive step against the subject birds and their owner(s) for a fortnight after communication of the reasoned order.

14. The writ petition stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)