

10.07.2025

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Ct.No.7
sdas

WPA 2907 of 2020

Umrul Hak
Vs.
State of West Bengal & Ors.

Mr. G. S. Kaderi
Mr. Subendu Banerjee
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Tapas Ballav Mondal
..... for the State

Mr. S. S. Koley
..... for WBSEDCL

Mr. Tauhid Khan
Mr. Atanu Haldar
..... for the private respondent no. 8

Affidavit-of-service filed on behalf of the petitioner,
is taken on record.

The petitioner, a sawmill owner, has preferred this writ petition seeking issuance of a writ of mandamus directing the concerned respondents to close all the sawmills which, according to him, are being operated in his locality without any valid authority or licence obtained from the Forest Officer. Additionally, the petitioner prays for a direction upon the competent authority to seize all equipment and goods from those allegedly illegal sawmills and to take appropriate legal action against the private respondent nos. 8 to 14, who, according to him, are responsible for operating the said sawmills unlawfully.

Briefly stated, the facts leading to the institution of the present petition are that the petitioner is operating a sawmill under the name and style of *M/s. Rabiul Islam and Brothers*, situated at Village–Madna, P.O.–Raghunathpur, P.S.–Suti, District–Murshidabad, upon obtaining a licence bearing No. F.D. NM/090/M dated 06.12.2008. The said licence has been periodically renewed. The petitioner alleges that certain individuals in the locality are operating sawmills illegally without obtaining any licence from the competent authority. The petitioner brought this matter to the attention of the appropriate authority by submitting several representations. However, despite receiving such representations, no effective steps have been taken by the authorities. This continued inaction has prompted the petitioner to file the present writ petition.

Mr. Banerjee, learned Advocate representing the petitioner, inviting my attention to the relevant provisions of the *West Bengal Forest (Establishment and Regulation of Saw Mill and Other Wood-Based Industries) Rules, 1982* (hereinafter referred to as the 1982 Rules), submits that no person can operate a sawmill without obtaining a licence from the competent authority. However, the private respondents are allegedly running sawmills in violation of the said Rules. He further submits that as a result, the petitioner's business is being adversely affected, causing him to suffer pecuniary loss. In support of his submission, he has relied upon an unreported decision of the Hon'ble

Division Bench presided over by the Hon'ble the Chief Justice in *WPA (P)/469/2023 (Arup Basu vs. State of West Bengal & Ors.)*.

Mr. Ghosh, learned Advocate representing the State, produces certain documents along with a written instruction. The documents and written instruction, as submitted by Mr. Ghosh, are taken on record. He submits that private respondent no. 8, viz. Alam Sk., has been operating a sawmill on the basis of a "No Objection Certificate" issued by the concerned Panchayat. It is further submitted that none of the other private respondents are operating any sawmill in the said locality.

However, such submissions have been seriously disputed by Mr. Banerjee, learned Advocate for the petitioner. He submits that private respondent no. 10, viz. Nabu Sk., is still operating a sawmill.

Mr. Khan, learned Advocate representing private respondent no. 8, submits that private respondent no. 8 has applied to the Forest Officer for the grant of a license to operate a sawmill. However, despite the receipt of such application, no license has yet been granted. He further submits that the sawmill is presently closed and not functioning.

Admittedly, in accordance with Rule 3 of the 1982 Rules, no person shall establish a sawmill or any other unit, including factories in the categories mentioned under

Section 51A of the Indian Forest Act, without obtaining a licence in Form-I issued by the Forest Officer.

Mr. Khan has admitted that respondent no. 8, Alam Sk., has not obtained any licence from the Forest Officer. Therefore, Alam Sk. cannot operate any sawmill without obtaining a licence in terms of Rule 3(1) of the 1982 Rules.

From the report, it transpires that private respondent no. 10, Nabu Sk., has transferred his sawmill to another person. Admittedly, under the 1982 Rules, the licence granted to any person to operate a sawmill is non-transferable and cannot be transferred to any other person without prior permission from the competent authority. Therefore, if any such transfer has been effected by private respondent no. 10, Nabu Sk., without obtaining the requisite permission from the competent authority, such transfer is illegal.

Therefore, taking note of the facts and circumstances of the case and applying the proposition laid down in the decision of Arup Basu (*supra*), this writ petition is disposed of with a direction to respondent nos. 2 to 4 to ensure that no sawmill within their jurisdiction is operated without obtaining a valid license from the Authorised Officer, in accordance with law. If it is found that any sawmill is being operated illegally by any person, they shall take all necessary steps to stop such operation. The respondent no. 4, Superintendent of Police, Murshidabad, shall extend all sorts of cooperation to the Divisional Forest

Officer to ensure compliance with this order in its letter and spirit.

With these observations and order this writ petition is, thus, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)