

2503
2025

TUESDAY

Court : CB-28
Item : DL-31
Matter : WPA
Status : DO
ID : 266306
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26709 OF 2024

BINOD JAISWAL
VS.

STATE OF WEST BENGAL & ORS.

MR. SUBHASIS CHAKRABORTY, ADVOCATE
MR. SUNNY NANDY, ADVOCATE
MS. SUSHMITA KUMARI SINGH, ADVOCATE

.....for the Petitioner

MR. NEIL BASU, ADVOCATE
MR. SANKHA BISWAS, ADVOCATE

.....for the Respondent Nos. 4, 5 & 6

MR. DEBJIT MUKHERJEE, ADVOCATE
MS. SUSMITA CHATTERJEE, ADVOCATE

.....for the State

1. The instant writ-petition has been filed seeking issuance of a writ of mandamus commanding the respondent authorities to take immediate steps for refunding the amount paid by the petitioner towards the advance sale value of two lots of firewood materials.
2. It is submitted on behalf of the writ-petitioner that initially a Certificate Proceeding was initiated against the petitioner for recovery of a sum of Rs.70,369.38/- at the instance of the Divisional Manager, Medinipur Forest Corporation Division. Subsequently, the said Divisional Manager wrote to the Certificate Officer that the demand should be 17,035.50/-.
3. Inviting the Court's attention to a letter bearing Memo No. 600/Cert/How dated 08.09.2023 written by the Certificate Officer to the Divisional Manager, it is submitted that the Certificate Officer is unable to proceed with the Certificate

Proceeding, in view of the indecision of the Divisional Manager as to the exact amount recoverable from the petitioner.

4. The petitioner submits that the petitioner has made a representation before the Certificate Officer on 10.01.2024 thereby seeking directions upon the Divisional Forest Officer to refund a sum of Rs.69,809/- to the petitioner.
5. Learned Advocate appearing for the respondents, disputes the claim of the petitioner.
6. In so far as the prayer for refund of a sum of Rs.69,809/- is concerned, the same cannot be entertained by a Writ Court because in directing the same, the Writ Court would have to assess the factual matrix of the case which involves disputed claims of the contesting parties. There is evidently a Certificate Proceeding which shows that certain amounts are allegedly due and recoverable by the Forest Department from the writ-petitioner.
7. In such view of the matter, justice would be subserved if a direction is passed upon the Certificate Officer to conclude the Certificate Proceeding as expeditiously as possible. No opinion is expressed by this Court on the merits of the claims and counter claims of the parties. The parties will be free to agitate all points and claims before the appropriate forum in accordance with law.
8. Let the synopsis layout prepared by the Certificate Officer as submitted by the State, be kept with the record.
9. Since affidavits are not been invited from the respondents, the allegations made in the writ-petition, shall deemed not to have been admitted

by them.

10. With the aforesaid directions, **WPA 26709 of 2024**
is **disposed of**.

(OM NARAYAN RAI, J.)