

13.06.2025
Sl. No.15
tkm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 479 of 2024

[Subrata Sarkar -Vs- State of West Bengal & Ors.]

Ms. Rima Sarar

... .. for the petitioner

Mr. Momenur Rahman

... for the State

1. The petitioner has preferred the present writ petition alleging inaction on the part of the respondent authorities in not taking any decision on the petitioner's application dated 10.3.2022, wherein she had sought permission for shifting her saw mill unit from 22D Motilal Basak Garden Lane Kolkata to Mouja Choupukuri JL no. 02 Touji no. 91 Pargana Patharghata P.S Bagdogra, Darjeeling.
2. Respondent no. 5 has filed a report stating that in the 5th State Level Committee meeting on Wood based Industries held on 13.6.2022, it was decided to keep the matter of inter divisional transfer of saw mills in abeyance for want of requisite data on wood availability. Respondent no. 5 placed on record a timber availability survey conducted by a committee constituted under the Authorized Officer, Kurseong and Siliguri sub-division and the divisional forest officer, Kurseong division vide order dated 27.12.2022. According to the said report, the

current timber availability from all sources is insufficient to meet the demand of existing saw mills, both general and secondary within the jurisdiction of the Kurseong forest division. Consequently, the committee did not recommend the inter-divisional shifting of saw mills into the Kurseong Forest Division.

3. The petitioner had filed objection to the said report. The petitioner contends that the timber survey committee constituted by the respondents is not in conformity with the Wood Based Industries Establishment and Regulation Guidelines, 2016.
4. The petitioner further submits that despite the alleged insufficiency of timber, the respondents have continued to issue licenses for new saw mills in the area, thereby indicting the availability of adequate timber.
5. Leaned advocate for the petitioner further submits that in terms of the Rue 6A of the West Bengal Forest Rules, 1982, the order can be passed by the authorized DFO of Kurseong division
6. This court has heard the arguments advanced by the learned Advocates for the respective parties and has perused the materials placed on record. The core grievance of the petitioner is that the respondents have failed to take a decision on her application seeking permission for shifting the saw

mills. The respondents are taking a stand that the inter divisional shifting of saw mills has been kept in abeyance due to inadequate timber availability as revealed in the timber availability survey conducted in the Kurseong forest division.

7. In view of the above, this Court is of the view that the present writ petition has become infructuous as the prayer for the consideration of the petitioner's application has already been responded to by the authorities.

8. If the petitioner is aggrieved by the stand taken by the respondents or disputes the finding of the timber availability survey committee, the petitioner is at liberty to challenge the same by filing a separate and appropriate writ petition.

9. With the above direction the present writ petition is disposed of.

(Gaurang Kanth, J.)