

S/L 11
13.07.2026
Court. No. 25
Sourav

WPA 16063 of 2026

Ambalal Patel
Vs.
The State of West Bengal & Anr.

Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Soumik Ganguly
Mr. Pingal Bhattacharyya
Mr. Rajdeep Singha
Ms. Oindrilla Sarkar

...for the petitioner.

Mr. Neil Basu
Mr. A. Paul

...for the respondent no. 3.

1. The petitioner has filed the present writ application challenging the interim order dated June 23, 2026 wherein the Divisional Forest Officer, Bankura (North) Division has passed an order that the lots of documented and undocumented produces shall be formed and submitted separately for e-auction.
2. The petitioner submits that the petitioner is having the licence provided by the competent authority on October 12, 2021 which is valid up till October 11, 2026. The petitioner has disclosed several documents to show that the petitioner has purchased several forest produces and also paid the GST and also obtain the transit pass to transport the said forest produces. All of a sudden on February 20, 2026, three complaints have been made against the petitioner for stolen of 26 number of Eucalyptus trees, 50 numbers of trees were felled but no produce was found and 19 numbers of Eucalyptus trees were felled by the petitioner.
3. On the basis of the said complaint, three FIRs have been registered against the petitioner. Subsequently, the

petitioner has got bail from the learned Chief Judicial Magistrate, Bankura and the trial is pending. In the meantime, the Zimma Nama was executed in respect of the materials found in the premises of the petitioner on February 23, 2026 and subsequently, the notice was issued to the petitioner for appearing before the authorities and the petitioner has appeared before the authorities. All of a sudden, on June 23, 2026, the impugned order is passed.

4. Learned counsel for the petitioner has relied upon Section 14 of the West Bengal Forest (Establishment and Regulation of Saw-Mills and other Wood-Based Industries) Rules, 1982 and submits that under Rule 14 the penalties have been provided. In the penalties, there is no provision for passing any interim order. He further submits that in the said penalties, the provision of appeal is provided but as there is no provision for passing any interim order and as such, there is no provision for appeal with regard to the impugned order, the petitioner has filed the present writ application.
5. The petitioner has filed the affidavit-of-service but in spite of service of notice, none appears on behalf of the respondents except respondent no. 3.
6. Learned counsel appearing on behalf of the respondent no. 3 submits that the proceeding initiated against the petitioner is by the respondent no. 4 and the respondent no. 3 has nothing to do with the matter.
7. Heard the learned counsel for the respective parties. Perused the materials on record.

8. This Court finds that there is an allegation against the petitioner with regard to the illegal cutting down of the trees and stolen of the forest produces. Proceeding has been initiated and the criminal case is also pending. The respondent authorities have initiated an enquiry. The petitioner has appeared before the authorities but no show-cause notice is issued to the petitioner for taking any action with regard to the e-auction.
9. In the impugned order dated June 23, 2026, it is recorded that a field enquiry report is received but it is the specific case of the petitioner that the field enquiry report has not been provided to the petitioner and without giving any opportunity of hearing the impugned order for e-auction is passed.
10. Considering the above, this Court finds that the petitioner has made out a *prima facie* case and balance of convenience and inconvenience. Accordingly, the interim order dated June 23, 2026 is stayed till August 5, 2026.
11. The petitioner is directed to again inform the next date to the respondent authorities. The respondents are at liberty to file affidavit-in-opposition within a period of two weeks. Reply, if any, thereto be filed within a week thereafter.
12. List this matter on August 5, 2026 under the same heading.

(Krishna Rao, J.)