

08.02.2023
Sl. No.32.
Mithun

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
IA No: CAN/1/2022
In
W.P.A. No. 772 of 2022
DLX Limited & Anr.

Versus
The State of West Bengal & Ors.

Mr. Sarathi Dasgupta, Adv.
Mr. Pratik Ghosh, Adv.
Mr. Debajit Kundu, Adv.

...for the petitioner.

Mr. Subir Kumar Saha, Adv.
Mr. Bikramaditya Ghosh, Adv.

...for the State.

By filing the instant application, the petitioner has prayed for modification of interim order of stay granted by a Coordinate Bench on 20th May, 2022.

By passing an interim order, the Coordinate Bench on 20th May, 2022 directed as hereunder:-

“The respondent authorities are restrained from finally concluding any auction process in respect of the timber, which is the subject matter of the present writ petition, if held in the meantime, till June 30, 2022 or until further order, whichever is earlier.”

It is submitted by the learned Advocate on behalf of the petitioner that a timber or a logs that has been felled even outside the area of reserve or protected forest, can only be disposed of by auction conducted by the Forest Department.

The subject matter of the instant writ petition are pressurized logs of various kinds of trees. Thus, logs were felled sometimes in the last part of 2021. Because of the order dated 20th May, 2022, the Divisional Forest Officer, respondent No.4 is not inclined to take any step to proceed with auction.

This Court is in conformity with the learned Advocate for the petitioner that the subject matter of the instant writ petition are perishable goods are subjected to natural decay under the peculiar climate of this region. Therefore, this Court is of the view that the auction is absolutely necessary.

Learned Advocate for the State has agreed that in order to protect the pressurized woods, those need to be disposed of. Accordingly, the order dated 20th May, 2022 is modified in the following manner directing the respondent No.4 to take the auction process forthwith to dispose of the logs on due auction.

The respondent No.4 is, therefore, directed to initiate auction process within two weeks from the date of communication of the order and complete the auction process at the earliest in accordance with law. Respondent No.4 is also directed to deposit the sale proceed with the learned Registrar, Circuit Bench at

Jalpaiguri, who will in turn, deposit the said sale proceeds in an interest bearing scheme of a Nationalized Bank.

Claim over the sale proceeds will be determined at the time of final hearing of the instant writ petition.

The parties are at liberty to act on the server copy of the order.

Interim order dated 20th May, 2022 is modified in the above manner.

The application, is, thus, disposed of.

Petitioner is at liberty to take part in the auction process in accordance with law.

On the prayer of the learned Advocate for the respondents, the respondents are at liberty to file affidavit-in-opposition within a fortnight and serve a copy of the same to the learned Advocate on record on behalf of the petitioner.

The petitioner is directed to file affidavit-in-reply, if any, one week thereafter.

The instant writ petition be placed for final hearing before the next available Circuit Bench.

(Bibek Chaudhuri, J.)