

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Prasenjit Biswas

MAT 292 of 2024

The Principal Chief Wild Life Warden and Ors.

Vs.

Sukanta Mallick and Anr.

For the Appellants : Mr. Sirsanya Bandopadhyay, Adv.
 Mr. Kushal Das, Adv.

For the Respondents : Mr. Senthil Kumar, Adv.
 Mr. Abhinav Rakshit, Adv.

Hearing Concluded on : August 11, 2025
 Judgement on : September 18, 2025

DEBANGSU BASAK, J.:-

1. Appellants have assailed the judgment and order dated December 19, 2023 passed in WPA 25583 of 2023.
2. By the impugned judgment and order, learned Single Judge has set aside the rejection of the declaration of the writ petitioner under the PARIVESH Rules, 2020 with regard to possession of parent birds, progeny as well as transfer of the specimens. Learned Single Judge has directed that the declaration given by the writ petitioner on such ground shall be deemed to be valid for all practical purposes within the

contemplation of the Rules of 2020. Learned Single Judge has set aside the rejection of the breeders species licence of the writ petitioner and directed the application of the writ petitioner dated July 18, 2023 to be accepted as valid.

3. Learned advocate appearing for the appellants has submitted that, grant of breeders licence is governed by the provisions of the Wildlife (Protection) Amendment Act, 2022. He has referred to various provisions and schedule of the Act of 2022. He has submitted that, the appellant No. 1 is required to exercise caution in order to ensure that, the breeders licence is not used as a legalised tool for smuggling species. He has pointed out that, the authorities fixed the last date of filling of breeders or species licence through Form I on June 29, 2023 as will appear from the notification dated May 12, 2023.

4. Learned advocate appearing for the appellant has submitted that, the Ministry of Environment, Forest and Climate Change (MOEF & CC) by the Voluntary Disclosure Scheme prioritised and streamlined the process of ownership by creating an inventory of the species available in India. Such Voluntary Disclosure Scheme has been introduced in June

2020 for six months and was subsequently extended till March 15, 2021.

5. Learned advocate appearing for the appellants has contended that, office of the appellant No. 1 has applied its mind with regard to the application filed online. He has contended that, the authorities have exercised their discretion in accordance with law.

6. Learned advocate appearing for the appellants has contended that, under the Advisory of 2020, a Chief Wildlife Warden has the power to reject an application for licence. He has contended that, in the facts and circumstances of the present case, the Chief Wildlife Warden has rightly rejected the application of the private respondent for grant of licence.

7. Learned advocate appearing for the appellants has contended that, the application for grant of licence was not made within the time period prescribed. He has contended that, the time limit should be construed to commence from 90 days from the Rules of 2020 and not 90 days from the amendment of Section 49A of the Act of 2022.

8. Learned advocate appearing for the writ petitioner has contended that, the writ petitioner did not violate any

provision of law while applying for licence. He has contended that the, impugned judgment and order should be upheld.

9. During the pendency of the appeal, the Principal Chief Conservator Forest Wildlife and Chief Wildlife Warden, West Bengal issued a licence of breeders to the respondent No. 1 on August 9, 2024.

10. The grievance with which, the private respondent approached the writ court stands addressed as on date with the issuance of the licence for breeders.

11. However, the licence dated August 9, 2024 has been issued with the rider that the same shall be subject to the final order of the High Court in the pending appeal.

12. In the facts and circumstances of the present case, apart from the legal niceties that have been raised with the present appeal as to whether the application for grant of licence is barred by time or not, the authorities found the private respondent to be entitled to a licence and therefore issued the licence dated August 9, 2024.

13. Since, the authorities have issued a licence, to the private respondent, therefore, the issue as to whether or not, a Chief Wildlife Warden has the power to reject an application

for grant of licence need not be answered in the factual matrix of the present appeal. Apparently, the Chief Wildlife Warden had sought to withhold the application for grant of licence on the interpretation of the time limit prescribed for the purpose of making an application

14. In the facts and circumstances of the present case, in our view interest of justice would be subserved by holding that the private respondent is entitled to a breeder's licence as issued by the appellants during the pendency of the appeal. The licence so issued by the respondent authorities now shall be read to be without any reference to the outcome of the present appeal.

15. Since we have not entered into the issues of law raised by the parties we keep the same open.

16. MAT 292 of 2024 along with all connected applications are disposed of without any order as to costs.

[DEBANGSU BASAK, J.]

17. I agree.

[PRASENJIT BISWAS, J.]