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01.09.2026
S.Seal
Ct.9.

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 1882 of 2026

Mahan Pradhan
Versus
The State of West Bengal & Ors.

Mr. Subham Gupta

... For the petitioner.

Mr. Avijit Ghosh
Ms Nitiksha Biswakarma
... For State.

1. The present writ petition has been filed challenging the blocking of the petitioner's vehicle bearing registration no. WB73 G 2059 by the respondent no. 5.
2. The petitioner claims that the petitioner is the owner of a heavy goods vehicle (tipper) bearing registration no. WB73 G 2059.
3. According to the petitioner, he earns his livelihood through transportation of river bed materials, stone chips, gravel and other mining materials. The aforesaid vehicle is the sole source of income of the petitioner and his family. In ordinary course of business, the petitioner is required to obtain royalty/e-challan through the authorized system of the West Bengal Mineral Development & Trading Corporation Ltd. (WBMDTCL) for transportation of such materials. Incidentally, on 19th June, 2026 when the vehicle was sent for obtaining royalty/e-challan, the

concerned vendor of WBMDTCL informed the driver that royalty could not be generated in respect of the said vehicle as the computer screen displayed the following message:-

“e-challan cannot be generated against vehicle no. WB73 G 2059. Case initiated against vehicle no. WB73 G 2059 by Checking Officer, Jalpaiguri. The Vehicle Owner may be advised to contact the office of the DL&LRO, Jalpaiguri for getting the vehicle unblocked.”

4. The petitioner claims that no show cause was served on the petitioner by the respondent no. 5 or by any other authority. Since, the aforesaid blocking continues indefinitely, the petitioner was constrained to approach this Court by filing a writ petition which was registered as WPA No. 1256 of 2026.

5. Records would reveal that when the aforesaid writ petition was taken up for consideration, the learned Advocate for the State had submitted that since the checking officer found the transportation of minor minerals of the vehicle in question was being carried in violation of West Bengal Minor Minerals Concession Rules, 2016, particularly Rule 3(1)(b) of the aforesaid rules, the vehicle was immediately blocked through WBMDTCL mobile application. The co-ordinate Bench, however, having heard the learned Advocates for the parties had disposed of the writ petition by granting an opportunity to approach the DL&LRO being the District

Authority under the West Bengal Minor Minerals Concession Rules, 2016.

6. The petitioner claims that in terms of the liberty so reserved, the petitioner had approached the concerned respondent, and made an appropriate representation on 31st July, 2026.

7. Notwithstanding receipt of such representation, no steps having been taken by the concerned respondent and the petitioner has not been able to carry on trade and business of transportation, which tantamounts to violation of Article 19(1)(g) of the Constitution of India, the present writ petition has been filed.

8. Having heard the learned Advocates representing the respective parties, I find that it is well-settled that a blocking of this nature without any show cause, so as to deny a vehicle the right to transport minor minerals, cannot be permitted indefinitely. The respondents cannot without just cause and without affording any opportunity to the petitioner to defend, interfere with the rights of the petitioner to carry on trade and business.

9. In the peculiar facts, I direct the respondent no. 5 to take a decision on the petitioner's representation as expeditiously as possible preferably within three working days from date of communication of this order.

10. It is made clear if no decision is taken within the above period, the authorities shall be bound to restore the petitioner's vehicle for generation of e-challan, through WBMDTCL mobile application immediately after expiry of

period indicated above, for the petitioner to continue the business though, the restoration of e-challan facility shall abide by the decision to be taken by the respondents which shall be communicated to the petitioner by passing a reasoned order.

11. With the above observations, the writ petition stands disposed of.

12. There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)