

August 10, 2021

ARDR

(27)

WPA 8357 of 2021

Manik Chandra Adak

Vs.

The State of West Bengal & Ors.

Mr. Kamakshya Prasad Mukhopadhyay,

...for the petitioner.

Mr. Soumitra Bandyopadhyay,

Mr. Subhasis Bandyopadhyay,

...for the State.

The petitioner seeks consideration of an application for excavation of sand from the river Kangsabati.

It is alleged on behalf of the petitioner that notwithstanding an application for excavation of sand from the aforesaid area, the respondent authorities have not considered the representation of the petitioner.

Mr. Bandyopadhyay appears for the State and takes the point of maintainability of the writ petition.

It is further submitted by Mr. Bandyopadhyay that in view of the extant provisions of law and more particularly the West Bengal Minor and Minerals Concession Rules, 2016, there is no scope for consideration of the representation of the petitioner.

It is further submitted by Mr. Bandyopadhyay that the allotment of the mining lease for sand quarry is only by way of public auction in view of the prevalent Notifications.

I have considered the submissions of the parties.

I am of the view that in view of the extant provisions of law and the West Bengal Minor and Minerals Concession Rules, 2016 the only procedure for grant a lease or license for excavation of sand is by way of an auction. There is no scope for even consideration the representation of the petitioner.

Accordingly, WPA 8357 of 2021 stands dismissed.

(Ravi Krishan Kapur, J.)