

August 19, 2021

ARDR

(24)

WPA 11707 of 2020

Gangadhar Sakha & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Bhudeb Chatterjee,

... for the petitioners.

Mr. Chandi Charan De,

Ms. Reshmi Rahaman,

Mr. Anirban Sarkar,

.... for the State.

The grievance of the petitioners is directed against a show cause notice dated 9th December, 2020 (“the impugned notice”). By the impugned notice the petitioners have been directed to appear before the Appropriate Authority and inter-alia justify the carrying on of brick manufacturing activities.

It is alleged on behalf of the petitioners that the petitioners had in 1997 obtained a license from the Railway Authorities. It is further alleged that some miscreants had entered into the subject premises and created disturbances with the occupation and enjoyment of the subject premises by the petitioners. There have also been several criminal complaints filed by the petitioners. The petitioners have also made diverse representation to the State authorities. It is also alleged that a Title Suit being Title Suit No.59 of 2003 is pending before the Competent Civil Court. An earlier

writ petition being WP 15752 of 2018 is also pending before this Court.

Mr. De appears on behalf of the State respondents and refutes all the allegations made on behalf of the petitioners. He submits that there has been blatant transgression and violation of the provisions of Mines and Minerals Act and the Rules framed thereunder. He further submits that the only object of the petitioners is to delay and procrastinate the proceedings initiated by the respondents. It is also submitted that upon investigation a criminal case has been registered under the proprietors of the said M/s. Prativa Mitra Brick Field.

I find that the gist of the grievance of the petitioners pertains to a show cause notice dated 9th September, 2020. The proceedings are at a nascent stage and only a show cause notice has been issued till date. It is well settled by a series of decisions of all Courts including the Hon'ble Supreme Court that, ordinarily no writ lies against a show cause notice. The reason for this is that writ petition may be held to be premature since a show cause notice *per se* does not give right any cause of action because there has been no adverse order till then. It is quite possible that after considering the reply to the show cause notice the authority may hold that the charges levelled against the petitioner are not established.

Hence, I am of the view that there are no grounds made out by the petitioners which warrant interference with the impugned show cause notice. On the contrary, it appears that the petitioners are simply delaying the entire proceedings to remain in possession of the subject premises and carry out their operations. The filing of diverse complaints and the pendency of different proceedings before different fora simply adds to the maze of confusion sought to be created by the petitioners.

In view of the aforesaid, I find no merit in this writ petition. WPA 11707 of 2020 stands dismissed. The Appropriate Authority is directed to act expeditiously and conclude the proceedings positively within a period of three months from the date of communication of this order without granting any unnecessary adjournments on any pretext whatsoever to any of the parties. It is made clear that the Block Land & Land Reforms Officer will not be bound by any observation in this order insofar as the merits of the case are concerned.

(Ravi Krishan Kapur, J.)