

April 25, 2022
Sl. No.12
Court No.1
s.biswas

WPA (P) 114 of 2022

Subhendu Kamil and others
vs.
The State of West Bengal and others

Mr. Sukanta Chakraborty,
Ms. Suparna Das,
Mr. Soumya Kanti Sinha,
Mr. Anindya Halder,
Mr. Juber Ahmed, Advocates

... for the petitioners

Mr. Samrat Sen, Id. AAAG
Mr. Jaharlal De,
Mr. Radranil De, Advocates

... for the State

Ms. Sonal Sinha, Advocate

... for the respondent No.4

Mr. Sanjay Saha, Advocate

... for the respondent No.14

The allegation in this petition is that the private respondent has been granted mining lease for sand in sand block MKSHB-10 located in R.S. Plot No. 230(P) and 232(P) in Mouza–Nekramara, J.L. No. 129, Police Station–Keshiary, District–Paschim Medinipur over an area of 4.58 hectare. But taking advantage of the said mining lease, the private respondent has started illegal mining in the riverbed of Subarnarekha River and taking note of this, a Police Case No.34/2021 dated 10.04.2021 for offence under Sections 379, 420, 467, 468 and 120B of the IPC was registered against him, but thereafter no action has been taken and the illegal mining in the hands of private respondent is still continuing.

Learned counsel for the petitioners at this stage has submitted that the petitioners have already filed mass

representation (Annexure P-5) before the respondent No.5 (District Magistrate) and the said representation was sent on 13th November, 2021, but no action in the representation has been taken till now.

Learned counsel for the State has fairly submitted that there is no objection in considering and taking appropriate action on the petitioners' representation.

Hence, we dispose of the present petition directing the respondent No.5 to take appropriate decision on the petitioners' representation (Annexure P-5). The respondent No.5 may also conduct an enquiry on the allegation made in the representation in accordance with law, if so required and take appropriate action on the erring parties.

Let the above exercise be completed by the respondent No.5 within a period of two months from the date of receipt of the copy of this order.

Meanwhile, the respondent No.5 will take all appropriate steps to ensure that no illegal mining takes place.

The present petition is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]