

18.
02-05-2022
debajyoti
(Ct. no.06)

MAT 496 of 2022
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IA NO:CAN/1/2022

Sri Amal Singha & Ors.
Vs.
Sri Harish Chandra Bera & Ors.

Mr. Soumya Kanti Sinha
... For the Appellants.

Mr. Saptansu Basu, Sr. Adv.,
Mr. Sujay Bandyopadhyay,
Ms. Doyel Dey,
Mr. Jagajyoti Das
... For the Respondent No.1.

Mr. Sanjay Saha
... For the WBMDTC Ltd.

Learned advocate for the appellants says that service is not complete. However, we have gone through the order under appeal. It may not be necessary to complete service.

By consent of the appearing parties, the appeal and the application are taken up together for hearing.

The appellants approached the learned Single Judge with the grievance that the private respondent has obtained the mining lease in question in his individual name when the agreement between the writ petitioners and the private respondent was that the mining lease will be obtained in the name of the partnership firm of which the writ petitioners and the private respondent are said to be partners. The writ petitioners urged that they financed the entire process. The private respondent by colluding with the State

officials has managed to obtain the mining lease in his individual name.

The learned Single Judge heard all the parties at length. It was found by the learned Judge that the private respondent participated in the e-tender in his individual capacity and on the relevant date, the partnership had not even been constituted. The mining lease was naturally granted in the name of the private respondent upon he becoming the highest tenderer.

Before us, learned advocate for the appellants vehemently argues that there has been serious collusion between the concerned State officers and the private respondent. The private respondent has taken crores of rupees from the appellants.

We find that the appellants have approached the civil forum by filing a suit being Title Suit No.160 of 2019 in the Court of Civil Judge, Senior Division, Jhargram. There the petitioners' prayer for ad interim injunction has been refused by the learned Judge by an order dated November 07, 2019. The State has been made a party defendant in that suit. It appears that being unsuccessful in obtaining a favourable order at the interim stage from the Civil Court, the writ petitioners/appellants are trying their luck before this Court.

The dispute is essentially between the writ petitioners and the private respondent which is purely of civil nature. The point of collusion between the State officers and the private respondent also cannot be gone into by the Writ Court. We do not see any infirmity in the order under appeal. However, any

observations made herein will not have any bearing on the hearing of the case pending before the Jhargram court.

The appeal and the application are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.) **(Arijit Banerjee, J.)**