

May 17, 2022
Sl. No.17
Court No.1
s.biswas

WPA (P) 214 of 2022

Srikanta Dalai and another
vs.
The State of West Bengal and others

Mr. Sanat Kumar Roy, Mr. Baidurya Ghosal, Ms. Avipsha Dutta Roy, Advocates	... for the petitioners
Mr. Jaharlal De, Mr. Supratim Dhar, Advocates	... for the State
Mr. Debapriya Samanta, Advocate	... for the respondent No.6
Mr. Soumya Kanti Sinha, Advocate	... for the intervenor

By this public interest petition the petitioners who claim themselves to be public spirited persons have prayed for following reliefs:

- “a) A writ in the nature of Mandamus commanding the respondent authorities including the respondent no.5 to take immediate steps for issuing carrying order for extracting sand as per the lease agreement executed therein during its validity for running the sand mining block for proper utilization of the natural resources for the benefit of the nation;
- b) Further Writ of Mandamus commanding the respondents to permit the respondent no.6 to run the sand mining block for extracting sand as per the lease agreement during its validity taking note of the fact that the respondent no.6 has no shortfall in payment of royalty during any period;
- c) Further Writ of Mandamus commanding the respondents to extend the validity of the lease

agreement for further term during the period when issuance of the carrying order remained stopped by the authorities without any reasoning i.e. October, 2019 uptil date;

- d) A Writ of Certiorari calling upon the respondents to produce or cause to be produced all records before this Hon'ble Court so that conscionable justice may be done by passing appropriate order upon perusal of the same."

The plea taken in the petition is that the respondent No.6 had participated in the auction process for the sand mining block being MSHB-10 with an area of 5 hectares situated at Mouza Naihat, JL No.286, Jhargram, and was the highest bidder and had deposited the bid amount. The details of the deposit of the bid amount as also the receipt copies have been mentioned in the petition.

It is further stated in the petition that upon deposit of ₹2,20,03,470.50 (Rupees two crores twenty lakhs three thousand four hundred seventy and fifty paisa) and upon furnishing a bank guarantee of ₹75,000/-, an agreement of mining lease for minor mineral dated 01.08.2017 was executed in favour of respondent No.6 and he has been permitted to run mining operation. But due to some personal difficulties the said respondent was not in a position to run the mining block for which he had requested in the month of September, 2019 to relief him some time to solve his problem and till such time the

issuance of carrying order might be postponed. Thereafter, the problem was solved but the carrying order was not issued.

In this background the prayer is made to direct the official respondents to issue carrying order for extracting sand in favour of respondent No.6 as per lease agreement.

The submission of learned counsel for the petitioners is that since 50 workers of the locality are affected, this PIL has been filed by the petitioners to safeguard their interest.

The submission of learned counsel for the State is that it is a motivated PIL filed by the petitioners at the instance of the respondent No.6 and that the civil dispute is pending between one Amal Singha and the respondent No.6. The matter had even travelled to this Court in the writ petition as also by way of appeal. We are also informed that said Amal Singha has filed a Special Leave Petition being SLP No.15349 of 2022 before the Hon'ble Supreme Court against the order of the Division Bench of this Court dated 02.05.2022.

After minutely examining the matter we find that Amal Singha has filed the Civil Suit before the competent Court wherein prayer for temporary injunction was rejected by order dated 07.11.2019, thereafter WPA 17627 of 2021 filed before the Writ Court was dismissed by order dated 31.03.2022, thereafter MAT 496 of 2022

has been dismissed by order dated 02.05.2022. The dispute between the parties is of civil nature and we are also informed that the pending dispute is about the same subject matter.

The respondent No.6 has supported the petitioners and has made a prayer to issue direction to the State authorities to issue carrying order in favour of the respondent No.6.

The above circumstances of the case clearly reveal that the State is justified in taking the stand before this Court that the present petition is motivated petition and it has been filed at the instance of respondent No.6 and with a view to promote interest of the respondent No.6.

In these circumstances as we disclosed above, we do not find any good ground to entertain the present petition. Hence, we dismiss the present petition.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]