

WPA 13010 of 2021

Radhashyam Samanta
Vs.
The State of W. B. & Ors.

Mr. Supriyo Chattopadhyay
Mr. Samaresh Ch. Dhara
...for the petitioner.

Mr. Ansar Mandal
Ms. S. Bhattacharya
...for the State.

Heard learned counsels for the parties.

Exception taken to the report filed by the State respondents is taken on record.

It is contended on behalf of the petitioner that despite depositing royalty for the period from 2017 to 2020 at the rate of Rs.15 per cubic meter, the respondent authorities have demanded royalty for the said period and have directed closure of the brick field by a letter dated 26th July, 2021.

It is not in dispute that the notification being No.678-CI/O/MIN/GEN/RLT/02/2015 published on 27th October, 2016 indicating the rate as Rs.29 per cubic meter has been stayed by a co-ordinate Bench of this Court by an order dated 12th February, 2018 in WP No.10920 (W) of 2017.

It is submitted on behalf of both the parties that a joint inspection is necessary for ascertaining the quantum

of sand excavated by the petitioner during the period under consideration in order to assess the excess royalty, if any, payable by the petitioner.

Pending such inspection, the petitioner undertakes to continue to pay the royalty at the rate of Rs.15 per cubic meter.

In view of the above, a joint inspection be held by the respondent authorities in the presence of the petitioner or his representative within one month from the date of communication of this order.

The petitioner shall continue to deposit royalty at the rate of Rs.15 per cubic meter till final order is passed in WP 10920 (W) 2017.

With the above observations and directions this writ petition being WPA 13010 of 2021 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)