

24.02.2022
Court No.13
Item No.8
sp

WPA 15229 of 2019

Sk. Jakir Hossain

Vs.

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Susanta Rakshit,
Mr. Sayantan Rakshit,
Ms. Ankita Dey

... for the petitioner.

Mr. Santanu Mitra,
Ms. Madhuri Das

...for the State

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal

....for the respondent nos. 7, 8 and 10

The District Magistrate, Purba Bardhaman has filed a report dated 16.02.2022 addressed to the Government Pleader.

It appears from the report that the petitioner from February 2019 onwards, could not conduct any mining operations under his lease. It also appears that the Executive Engineer - I, Damodar Canal Division, neither issued any 'No Objection Certificate' nor has raised any objection from their end.

The petitioner is indeed a bona fide leaseholder for sand mining operations under the schedule property. The mining operations were stopped in the year 2019 due to obstruction from local people.

The Officer-in-Charge, Jamalpur Police Station has also furnished instructions addressed to the Government Advocate dated February 21, 2022. It

appears that the law and order situation as the sand quarry is normal and the other sand quarry is running peacefully.

In that view of the matter, the Officer-in-Charge, Jamalpur Police Station shall render all assistance to the petitioner for carrying out the sand mining operations under his lease. The allegations of the private respondent against the petitioner in conducting sand mining operations as illegal as order dated February 1, 2022 shall be looked into by the District Magistrate.

The petitioner may apply in accordance with law before the District Magistrate, Purba Bardhaman, to seek remedies for the period during which he could not conduct mining operation under his lease.

The District Magistrate, Purba Bardhaman, upon receipt of such application shall take an overall view of the entire situation and pass suitable orders.

The report of the District Magistrate and the Jamalpur Police Station are kept with the record. A copy of the same may be made available to the counsel for the petitioner.

With the aforesaid observations, the writ petition is disposed of.

Since no affidavits have been filed by the private respondents, the allegations made in the writ application shall not be deemed to have been admitted.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)