

13.09.2023.
Item No. 11 to 14.
Court No. 13
sp

M.A.T. No. 1577 of 2019
With
CAN 1 of 2021

Sri Ajit Kumar Pramanick
Versus
The State of West Bengal & Ors.

With
F.M.A. No. 274 of 2020

Arunendu Ghosh
Versus
The State of West Bengal & Ors.

With
M.A.T. No. 1942 of 2016

Golam Nabi Mallick & Anr.
Versus
The State of West Bengal & Ors.

With
M.A.T. No. 387 of 2019
With
CAN 2 of 2019 (Old No. CAN 8376 of 2019)

Sri Ajit Kumar Pramanick
Versus
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya, ld. Sr. Adv.
Mr. Pawan Kr. Gupta
...for the appellant (in MAT 1577 of 2019)

Mr. Partha Sarathi Bhattacharya, ld. Sr. Adv.
Mr. Joy Chakraborty,
Mr. Sandip Donda,
Ms. Ipsita Ghosh
..for the appellant (in FMA 274 of 2020)

Mr. Partha Sarathi Bhattacharya, ld. Sr. Adv.
Mr. K.S. Alam,
Ms. Afsana Khatun
..for the appellant in MAT 1942 of 2016)

Mr. T.M. Siddiqui,
Mr. Suddhadev Adak

...For the respondents

1. The appeals are directed against judgement and order dated September 8, 2016 passed by the learned Single Bench of this Court refusing interim order. In the writ petition, the appellants have challenged the constitutional vires of Rule 39 and 61 of the West Bengal Minor Minerals Concessions Rules, 2016 read with West Bengal Minor Mineral (Auction) Rules, 2016.
2. The learned Single Bench issued notice to the learned Advocate General and had recorded the detailed arguments advanced by both the sides.
3. The learned Single Bench is of the view that no interim order was warranted in the facts and circumstances of the case. The validity of the aforesaid Rules must be considered after exchange of affidavits.
4. This Court is in agreeemtn with the views expressed by the leanred Single Bench that when the constitutional vires of two Rules are being challenged, it would be generally inappropriate to pass interim orders.
5. This Court can take judicial notice of the fact that many sand mining lease auctions have already been conducted by the State the right of renewal in the existing leases have not been allowed to any existing leaseholder under the old regime.
6. Parties are at liberty to pray for final hearing of the writ petition after affidavits are received from the respondents.

7. Time to file affidavit-in-opposition is extended by a period of 4 weeks from date. Reply, if any, be filed within 2 weeks thereafter.

8. With the aforesaid, MAT 1577 of 2019, FMA 274 of 2020, MAT 1942 of 2016 and MAT 387 of 2019 shall stand disposed of.

9. In view of the above, all the connected applications shall also stand disposed of.

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

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)