

06.06.2023

Item No.04

Ct. No.1

RP/gsd

WPA (P) 238 of 2023

Baban Paul

vs.

The State of West Bengal & ors.

Mr. Samiran Mandal

Mr. Abhinaba Dan

Mr. Arkaprabho Roy

... for the petitioner

Mr. Sk. Md. Galib.

Mr. Subhra Nag

... for the State

1. The petitioner has approached this Court seeking for appropriate direction alleging that there is illicit mining of river sand. Earlier the writ petitioner had come forward with similar prayer in WPA (P) 497 of 2022 which was disposed of by an order dated 5.12.2022 by directing the petitioner to submit a detailed representation to the authorities, pursuant to which an enquiry appears to have been conducted and a direction had also been issued by the Additional District Magistrate and District Land and Land Reforms Officers, Bankura.
2. By an order dated 17.4.2023, the Additional District Magistrate and District Land and

Land Reforms Officer, Bankura directed the officers under his establishment to keep vigil and conduct regular monitoring and supervision to prevent illegal mining. Subsequently, based on the representation given by the petitioner and the direction issued in the earlier writ petition, an Enquiry Committee was constituted consisting of three officers and a notice was issued to the writ petitioner to attend the enquiry. In the communication dated 17th March, 2023 made by the Three-Member Committee addressed to the Sub-Divisional Land and Land Reforms Officer, Bankura (Sadar), it has been mentioned that the writ petitioner refused to receive the notice of enquiry and, therefore, the notice was pasted on the wall of his house. The Three-Member Committee has examined and found that the sand lifting has been made by the authorised agency i.e., Northern Express Infra Developer Private Limited. There was no illegal sand mining or lifting found. In the said writ petition the said company

has not been impleaded as a respondent. Furthermore, in Paragraph 12 of the writ petition, it has been stated that the writ petitioner apprehended danger to his life, if he participates in the enquiry and, therefore, he did not attend the enquiry. However, it is seen that the Three-Member Committee has specifically recorded that the petitioner has refused to receive the notice. In any event, the allegation made is against the Company which has been granted the work of de-silting and dredging of the said river bed. Therefore, if the petitioner still has material to show that the said Company has violated the terms of the contract awarded to them, with that material the petitioner is granted liberty to approach the District Magistrate, Bankura and if any such representation is made, the District Magistrate, Bankura shall conduct a surprise inspection of the area and if any illegality is found after notice to all concerned, appropriate action will be taken in accordance with law.

3. With the above observations, the writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

