

18 02.05.2024
AN Ct. No. 01
RP

WPA(P) 163 of 2024

Shyamal Mondal & anr.
Vs.
The State of West Bengal & Ors.

Mr. Saheb Banerjee
... for the petitioners

Mr. Lalit Mohan Mahata, Id. AGP
Mr. Prasanta Behari Mahata
... for the State

1. The petitioners have claimed that illegal sand mining is being carried on inspite of the matter having been brought to the notice of the authorities, no action has been taken.

2. Learned counsel representing the State has received written instructions from the I.C., Barjora Police Station, Bankura from which it is seen that against all the writ petitioners, criminal cases have been filed which include offences under the provisions of the Indian Penal Code and the provisions of the Mining & Minerals Development & Regulation Act.

3. Learned counsel appearing for the petitioner would submit that the petitioners are all part of the a N.G.O., who want to prevent illegal sand mining and when they took up the matter, false cases have been registered. In any event, it is for the petitioners to establish their innocence in the said criminal cases where investigation is being carried on.

4. Learned counsel representing the State would

further submit that after the representation was conducted and several F.I.R.s have been filed against the wrong doers. It is not sufficient that the F.I.R.s are on file, but steps to be taken by the District Administration is to prevent such illegal sand mining, if it is taking place.

5. Therefore, there will be a direction to the 6th respondent herein viz. the Additional District Magistrate, Bankura to organize a surprise inspection of the area in question and if illegal sand mining is taking place, appropriate action should be initiated not only under the provisions of the Indian Penal Code also for seizure of the vehicle used for mining purposes or transportation as well as for levy of penalty under the provisions of the Mining & Minerals Regulation & Control Act. The above direction be implemented within 8 weeks from the date of receipt of the server copy of this order.

6. With the above observations and directions, the instant writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)