

20.06.2024
Item No.37
RP/AN
Ct. No.1

WPA (P) 212 of 2024
Joy Kishore Das @ Joydeb Das & Anr.
Vs.
Union of India & Ors.

Mr. Kumar Jyoti Tewari
Mr. Manas Kumar Das
Mr. Amrit Sinha
Mr. Aniruddha Tewari
..... for Petitioners

Mr. Murari Mohan Das
Mr. Nazmul Hossain
Ms. Reshmi Rehman
.....for respondent nos.11,12,13,14 and 16

Mr. Pinaki Ranjan Chakraborti
..... for UOI

Mr. Jahar Lal De
Mr. Supratim Dhar
.....for State

1. By way of filing this public interest litigation petition the petitioners allege indiscriminate mining of river sand with the help of JCB machine and motor fitted boat and pipes. It is submitted that in terms of the conditions imposed by the Government of India mining activity should be done manually and the depth of mining shall be restricted to three meter/ water level, whichever is less.
2. Learned advocate appearing for the private respondents submitted that the petitioners are involved in illegal sand mining and this writ petition is a camouflage to regularise their illegal operation.
3. We have heard the learned government counsel. From the report submitted by the Officer-in-Charge, Burwan Police Station, Murshidabad Police District it appears that pursuant to the mass petition submitted an enquiry was conducted and concerned BL&LRO was also consulted and a joint raid was conducted. It is reported that during physical enquiry nothing could be substantiated in this matter as per the statement of the petitioner and no one has extracted

sand or soil from the said plot. Further, it is submitted that the license, which was granted, was expired on January 2024 itself. In the light of the above, no mining of sand can be permitted to be done without any license. Even assuming that license is granted to any third party, the authority shall ensure that the license conditions are scrupulously followed.

4. With the aforesaid observation, the writ petition is disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)