

11.12.2024  
Ct. No. 2  
Sl. No. 11  
Moumita

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**WPA 20684 of 2024**

**M/s. Triumph Sale & Services  
Vs  
The State of West Bengal & Ors.**

**Mr. Somnath Roy Chowdhury  
Ms. A. Chowdhury  
..... for the Petitioner**

**Mr. Sanjay Saha  
Mr. Raju Mondal  
.....for respondent no. 5**

**Mr. Soumitra Bandyopadhyay  
Mr. Srinath Singh Ray  
Mr. Priyabrata Batabyal  
....for the State/respondents**

Three affidavits-of-service, filed in court today, are taken on record.

Mr. Somnath Roy Chowdhury, learned Counsel appears for the petitioner.

Mr. Sanjay Saha, learned Counsel appears for respondent no. 5.

Mr. Priyabrata Batabyal led by Mr. Soumitra Bandyopadhyay, learned State Counsel appears for the respondents, except respondent no.5.

A mining lease was granted for excavation of sand block in favour of the petitioner on **February 10, 2018**. Possession was delivered to the petitioner of the relevant sand mine on **February 15, 2018**. The petitioner started carrying its mining activities. On **September 4,**

**2018** the National Green Tribunal passed an order of stay for mining operation at the relevant area which, *inter alia*, includes the petitioner's leasehold land. On **November 18, 2022** the stay order was lifted.

The learned counsel for the petitioner submits that though the stay order was lifted the petitioner was not allowed to carry out its mining activities, despite repeated representations made from time to time before the appropriate authority. None of these representations have been considered.

The learned counsel appears for the petitioner submits that excepting the said few months, during which the petitioner could carry out the mining excavation, the rest of the lease period the petitioner was not allowed to do so. The petitioner prays for permission to allow the petitioner to carry out and complete the mining excavation for the period out of his lease tenure during which petitioner was not allowed to carry out its mining activities.

In view of above, the respondent no. 7 is directed upon issuing a prior hearing notice to the petitioner and the respondent no. 5 and after granting them an opportunity of hearing to

dispose of the representation of the petitioner dated **May 14, 2024 at page 175** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 7 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and the respondent no. 5 positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no. 7 but the same shall not travel beyond to scope of the said representation dated **May 14, 2024**.

In the event, the reasoned order goes in favour of the petitioner the respondent no. 7 and/or any other appropriate authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order strictly in accordance with law, but positively

within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his contentions before the respondent no.7 strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 20684 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**