

05.09.2024
Item No.8
gd/ssd

WPA(P)/366/2024
RASHBEHARI GHOSH
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sukanta Chakraborty,
Mr. Soumya Kanti Sinha,
Ms. Suparna Das,
Mr. Anindya Halder
..for the Petitioner.

Mr Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. Sanjay Saha
..for the Respondent No.6.

Mr. Ritwik Pattanayak
..for the Respondent No.16.

1. This public interest writ petition has been filed alleging that there is rampant illegal sand mining being conducted in the district of Paschim Medinipur.

2. The allegations are that there is collusion of the officials also with the private respondent nos.16 and 17 who have been initially being granted permission for sand mining despite the expiry of the period.

3. Furthermore, it is submitted that huge excavators have been put to use for mining sand and the sand is being stored in several places and some of it appears like mountains.

4. Since the writ petition is being disposed of without calling for affidavits and the allegations have

not been gone into as it is for the authority to take a serious note of the same.

5. The learned advocate appearing for the respondent no.16 raises an objection with regard to the maintainability of the writ petition stating that there is no authorization given in favour of the writ petitioner to file the writ petition among other things and the signature is not there. Even assuming that the representation is not adequately authorized or the signature is not contained, since the matter is brought to the notice of the court, the court is entitled to take cognizance of the same and issue appropriate direction to the authorities to do the needful in the matter so as to protect the environment.

6. In the light of the above, we direct the District Magistrate, Paschim Medinipur, namely, the 9th respondent to conduct the surprise inspection/raid in the area in question where the sand mining activities are going on and to enable the District Magistrate to conduct surprise inspection/raid, the Superintendent of Police, Paschim Medinipur, namely, the 11th respondent is directed to provide adequate police assistance.

7. The District Magistrate is at liberty to constitute a team to accompany whether it is him or her during the surprise inspection/raid.

8. The outcome of the proceedings be communicated to the writ petitioner including the respondent nos.16 and 17 by registered post within ten days from the date on which the inspection/raid is concluded.

9. With the above directions, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)