

25.11.2024

Item No. 15

Crt.No.02

b.r.

WPA 27105 of 2024

Subrata Dey

-vs-

The State of West Bengal & Ors.

Mr. Sudip Deb
Mr. Joy Chakraborty
Ms. Ipsita Ghosh
.... For the petitioner.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
..... for the State.

Mr. Sanjay Saha
... for the Resp. no.2.

Pursuant to the leave granted by this Court on **November 18, 2024**, supplementary affidavit filed on behalf of the petitioner today in Court affirmed on **November 21, 2024**, is taken on record. Copy has already been served upon Mr. Sanjay Saha, learned advocate for the respondent no.2 and Mr. Chandi Charan De, learned Additional Government Pleader.

The last order dated **November 18, 2024** speaks for itself.

Today, Mr. Sanjay Saha, learned counsel appearing for the respondent no.2 on instruction from his client submits that a period for maximum **ninety days** can be extended from the day when

the portal was initially was opened on **August 23, 2024.**

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the State.

Considering the submissions made on behalf of the parties and considering the fact that the entire premium including an additional quantum thereupon has already been paid to the extent of a sum of rupees more than **one crore** by the petitioner, in exercise of equitable jurisdiction, this Court directs the **respondent no.2** to allow time for a period of **120 days** from today to dispose of the sand stock excavated by the petitioner. This direction is peremptory.

It is made clear that the appropriate State Authority shall do and carry out all the needful in accordance with law to carry out the direction of this Court passed today. The concerned portal shall remain operative only for the petitioner to operate through it for next **120 days** from today as directed above.

Mr. Sudip Deb, learned counsel appearing for the petitioner further prays for leave to sue the respondent nos. 2 and 4 for damages on the ground of delay as alleged by the petitioner in

allowing the petitioner to dispose of the excavated sand.

It is made clear that if the petitioner is entitled in law to sue the respondent nos. 2 and 4, then such right of the petitioner cannot be defeated but shall have to be pursued strictly in accordance with law, if the petitioner is permitted to do so.

However, it is made clear that this order shall not be treated as a precedence.

With the above observations and directions, this writ petition, **WPA 27105 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.)