

S/L 14
24.09.2025
Court. No. 19
Suvayan

**WPA 3767 of 2024
With
CAN 2 of 2025
(Application not in the file)**

**Radhapada Ghosh
Vs.
State of West Bengal & Ors.**

Mr. Haradhan Mondal

...for the petitioner.

*Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for W.B.M.D.T.C.L.

In Re: CAN 2 of 2025

1. This is an application for expeditious hearing.
2. At the time of hearing Mr. Mondal, learned Advocate for the writ petitioner submits before this Court that he is not pressing CAN 2 of 2025.
3. In view of such, CAN 2 of 2025 is disposed of as non-prosecution.

In Re: WPA 3767 of 2024

1. The supplementary affidavit as filed on behalf of the writ petitioner is taken on record.
2. The writ petitioner, the respondents/State and the added respondent no. 7 are represented by their respective Counsels.
3. The subject matter of the instant writ petition is the reasoned order dated 01.11.2023 as passed by the respondent no. 1/authority whereby and whereunder the

said authority passed an order for refund of Rs. 52,52,093/- in favour of the writ petitioner.

4. At the time of hearing, Mr. Mondal, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 14 of the instant writ petition being a copy of the order dated 29.01.2019 as passed by a co-ordinate Bench of this Court in WP 531 (W) of 2019 whereby and whereunder the said co-ordinate Bench directed the DL&LROs, Districts – Birbhum and Purba Burdwan to settle the boundary dispute since the quarry area as has been allotted in favour of the predecessor-in-interest of the writ petitioner was covering the said two Districts.

5. It is submitted by Mr. Mondal that after a joint inspection the said authorities noticed the boundary discrepancy and thereafter the quarry area of the writ petitioner was reduced to 3.30 acres on the river bed of Ajoy being sand block no. Bir/ Nanoor/ Hussenpur/ 207/ 2016 on Plot nos. 2040(part) and 2053(part) in Mouza – Hussenpur, J.L. no. 131 under P.S. – Nanoor, District – Birbhum. It is submitted that on account of reduction of the quarry area the writ petitioner approached the respondents/authorities and by the order under challenge dated 01.11.2023 the prayer of the writ petitioner was allowed and the respondent no. 2/authority directed for refund of Rs. 52,52,093/- in favour of the writ petitioner, however, the same has not been refunded by the respondent nos. 3 and 4/authorities till date which is,

however, disputed by Mr. Bandyopadhyay, learned Senior Government Advocate for the State.

6. In course of his submission Mr. Mondal again draws attention of this Court to the order dated 17.03.2023 as passed by another co-ordinate Bench of this Court in WPA 23767 of 2019 wherein and whereunder the said co-ordinate Bench granted liberty to the writ petitioner to approach the respondents/authorities for extension of the term of the lease.

7. At this juncture, Mr. Mondal took me to paragraph no. 8 of the supplementary affidavit as filed today. It is submitted by Mr. Mondal that it is the specific case of the writ petitioner that on account of the aforementioned boundary dispute the writ petitioner could not quarry sand for a period of 4 years 2 months 4 days. Mr. Mondal thus submits that the respondents/authorities may be directed to extend the period of lease for a period of 4 years 2 months 4 days in respect of the sand block no. Bir/ Nanoor/ Hussenpur/ 207/ 2016 on Plot nos. 2040(part) and 2053(part) in Mouza – Hussenpur, J.L. no. 131 under P.S. – Nanoor, District – Birbhum.

8. In view of such, this Court while disposing the instant writ petition directs the respondent nos. 3 and 4/authorities to forthwith carryout the order dated 01.11.2023. as passed by the Principal Secretary to the Government of West Bengal, Department of Industry Commerce and Enterprises, a copy of which has been annexed at page nos. 28 and 29 of the instant writ

petition, if not done in the meantime and the refund shall have to be made to the writ petitioner positively within 30 working days from today, if such refund has not been made in the meantime.

9. This Court further directs the respondent no. 4/authority to consider a copy of the instant writ petition as a representation of the writ petitioner for extension of the period of mining lease in respect of the aforementioned plot of land for a period of 4 years 2 months 4 days and after giving due opportunity of hearing to the writ petitioner and/or his authorized representative shall pass a reasoned order and forthwith communicate the same to the writ petitioner preferably by email, if the email details of the writ petitioner are provided to him at the time of hearing.

10. The entire exercise that is the consideration of representation and, passing of the reasoned order and communication thereof as indicated in the foregoing paragraph is to be completed within 60 working days from the date of communication of the server copy of this order.

11. The time limits as fixed by this Court are mandatory and peremptory.

12. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate a server copy of this order together with a copy of the instant writ petition and a copy of the supplementary affidavit to the respondent no. 4/authority forthwith.

13. The respondent no. 4/authority is hereby directed to act on the server copy of this order.

14. With the aforementioned observation, the instant writ petition being WPA 3767 of 2024 is disposed of.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)