

26.06.2025  
SI No.26  
Court No.8  
(gc)

**WPA (P) 139 of 2024**

**Manoj Kumar Oraon  
Vs.  
The State of West Bengal & Ors.**

Mr. Tilak Mitra,  
Mr. Sanjib Das,  
Mr. Abhhik Sarkar  
...for the Petitioner.

Mr. Kishore Dutta, Ld. Advocate General,  
Mr. Anirban Ray, Ld. G.P.,  
Mr. Jaharlal Dey, Ld. A.G.P.  
Mr. Supratim Dhar, Sr. Adv.  
...for the State.

Mr. Rittick Chowdhury,  
Mr. Krishnan Agarwal  
...for the Respondent No.9.  
Mr. Sanjay Saha  
...for the Respondent No.3.

**Soumen Sen, J. (Oral):**

1. The report in the form of affidavit filed on behalf of the respondent no.3 has referred to a show cause notice dated 30<sup>th</sup> January, 2025 issued to the contractor to expedite the completion of dredging/de-silting project at Kumargram, Alipurduar region by 31<sup>st</sup> March, 2025, failing which, the Corporation may invoke the Performance Bank Guarantee and take appropriate action as per the relevant clauses of the Request for Proposal (RfP) and the agreement mentioned in the said show cause notice.
2. It is submitted on behalf of the Corporation that work has now been completely executed by the respondent no.9. Insofar as the allegation of illegal dredging/de-silting of the

Sankosh river is concerned, the Deputy Director (SM & CH), River Research Institute and District Magistrate, Alipurduar has filed a joint report disclosing their observations during surprise visit. The status of the activities and the account of enforcement activities conducted are mentioned in paragraphs 3 and 4 of the said report which are reproduced below for convenience:-

***“3. Status of Activities in Alipurduar District:***

*During the course of the inspection, no unauthorized or illegal dredging/de-silting was observed on the West Bengal (Alipurduar) side of the Sankosh river, as alleged.*

*However, some extraction & stockpiles of Riverbed material were observed on the Assam side of the river. Additionally, some stocks of riverbed material (RBM) and machineries were observed on the side of Coochbehar district. Moreover the river bed on the West Bengal side appeared to have been dredged to some extent. It was noted that the National Highway 31-C which extends into Assam, crossing Coochbehar and Alipurduar District is being used as an evacuation route for transportation of such material. There is also a permanent check-post of Coochbehar Police, functioning round the clock and verifying all vehicles crossing over for valid challans and documents for transport of RBM. Also frequent joint*

*enforcements are done all along the highway to prevent and check any revenue loss to the state. However, the Assam side activities were outside the jurisdiction of the inspecting authority.*

**4. Account of Enforcement activities Conducted:**

*It is relevant to highlight that, based on credible intelligence received from time to time, regular joint enforcement activities involving Land, Police, Motor Vehicles and forest officials gets conducted in the said areas. During such enforcements in the past unauthorized stockpiles amounting to 75 lakh CFT were identified on the Alipurduar side of the river. These materials were duly seized and disposed of as per existing legal provisions, resulting in realisation of more than 3.5 Crores revenue for the state exchequer. A strict vigil is maintained over the riverine areas falling under Alipurduar district to prevent any unauthorized activities.”*

3. The said report has clearly stated that no unauthorized dredging or de-silting are presently taking place on the Alipurduar side of the Sankosh river.
4. In view of the present situation, no further direction is necessary. However, it should be the duty and responsibility of the District Magistrate, Alipurduar and River Research Institute, Nadia to ensure that no unauthorized or illegal dredging/de-silting

takes place on the West Bengal (Alipurduar) side of the Sankosh river. Similarly, it would be the responsibility of the State to ensure that the riverbed is not affected by reason of illegal dredging or de-silting.

5. The State is directed to issue a Circular to all the District Magistrates and other stakeholders to ensure that no unauthorized or illegal dredging or de-silting takes place or there is any extraction and stockpiles of riverbed materials in the Districts and if anyone found responsible for such illegal activities, shall be forthwith dealt with in accordance with law.
6. The report filed by the State is kept with the record and be served upon the learned Counsel for the petitioner.
7. Accordingly, the writ petition is disposed of.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Soumen Sen, J.)**

**(Smita Das De, J.)**