

19.09.2025

Sl. No.: 29
Court No.551
BM

WPA 8919 OF 2025

**SRI KARTIK MANNA AND ANR.
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Phatick Chandra Das

... for the petitioners

Mr. Ayan Banerjee

Mr. Amritalal Chatterjee

Mr. A. Chowdhury

... for the State

Mr. Sanjay Saha

Mr. Raju Mondal

... for the respondents.

1. The writ petitioners assail an order dated February 19, 2025 passed by the Additional District Magistrate and District Land & Land Reform Officer, Paschim Medinipur thereby blocking the e-challan generation facility in the relevant portal in respect of petitioners' vehicle and imposing a fine of Rs.1,00,000/- (Rupees One Lakh) on the petitioners for violation of the provisions of West Bengal Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2002, West Bengal Minor Mineral Concession Rules, 2016 & West Bengal Sand (Mining, Transportation, Storage & Sale) Rules, 2021 on the ground that the petitioners' said vehicle was not having a "valid e-challan".
2. Mr. Das Learned Advocate appearing for the petitioners submits that the petitioners have been

saddled with blocking of e-challan and fine for violating the time schedule mentioned in the e-challan. It was submitted that the petitioners were prevented from maintaining the time schedule indicated in the e-challan initially by reason of traffic congestion owing to a religious ceremony being conducted on road by a group of persons on the occasion of “Sabe barat” and also due to bursting of the tyres of the petitioner’s truck, which required to be changed.

3. It is submitted that if the petitioners had over-shot the time schedule mentioned in the e-challan for reasons not attributable to the petitioners, then the petitioners ought not to have been saddled with fine and with blocking of the e-challan generation facility in respect of their vehicle in the relevant portal, more so when it is evident that the petitioners possessed e-challan which expired later .
4. Mr. Banerjee, Learned Advocate appearing for the respondents submits that the writ petitioners are guilty of suppression of material facts. He hands up to Court a copy of the order dated February 18, 2025 passed by the learned Additional District Magistrate and District Land & Land Reforms Officer, Paschim Medinipur in a proceeding under Section 21(4) of the Mines & Mineral(Development

& Regulation) Act, 1957 read with Rule 15 (1) of the West Bengal Minor Mineral Concession Rules, 2016, registered as case No.MM/11/2025 wherefrom it would be evident that the petitioner no.2 had appeared before the said Additional District Magistrate and presented her case by way of a written representation. A copy of the order dated February 18, 2025 has been made over to Mr. Das by Mr. Banerjee.

5. It is further submitted by Mr. Banerjee that case the said order dated February 18, 2025 passed by the learned District Magistrate is appealable under Rule 51 of the West Bengal Minor Mineral Concession Rules, 2016 and challenge thereto by way of a writ petition ought not to be entertained since the appellate remedy is well available.
6. It is not in dispute that a written representation dated February 18, 2025 had been made to the said Additional District Magistrate, Medinipur by the petitioner no.2, copy whereof forms Annexure “P-4” at page 24 of the writ petition.
7. Mr. Das feigns ignorance about the order dated February 18, 2025 passed by the said Additional District Magistrate and submits that a copy of such order may not have been served upon the writ petitioners but he has no answer to the query of the Court as to why no mention has been made

in the writ petition about the petitioner no.2's participation in the hearing held by the said Additional District Magistrate on February 18, 2025.

8. The writ petition is absolutely silent about the petitioner no.2 having participated in the hearing. Even if benefit of doubt as regards communication of the order dated February 18, 2025 is given to the writ petitioners, the conduct of the writ petitioners in suppressing the fact that hearing was indeed given to them prior to the issuance of notice dated February 19, 2025 cannot be appreciated.
9. In view of the fact that the petitioner has suppressed the material fact of opportunity of hearing having been afforded by the respondent Additional District Magistrate and that there is a forum for appeal available to the petitioners, WPA 8919 of 2025 is not entertained. The same is dismissed.
10. However, dismissal of the writ petition shall not preclude the writ petitioners from resorting to the appellate remedy or any other remedy that may be available to them in accordance with law. No costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Om Narayan Rai, J.)