

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Ct.551 **12.09.25**
Item No.7 Sws.M

**WPA 8933 of 2025
(Assigned)**

**Shri Bapi Paik alias Bapi Ali Paik
Vs
The State of West Bengal & Ors.**

Mr. Phatick Chandra Das

...for the petitioner

Mr. Amal Kumar Sen, Ld. AAG
Ms. Ashima Das (Sil)

....for the State

Mr. Sanjay Saha
Mr. Raju Mondal

....for the respondent No. 4

1. The petitioner is aggrieved by the blocking of the e-challan generation facility in respect of the petitioner's vehicle.
2. Briefly summed up, the case run in the writ petition is as follows:
 - a. The petitioner owns a twelve wheeler vehicle which is used by them for his business of carrying riverbed material/sand throughout West Bengal.
 - b. On or about August 18, 2023 a road e-challan was issued in respect of the said vehicle for transportation of sand/riverbed material from Mouza- Kumirkola, Shashanga, Purba Bardhaman to Kolkata North.

- c. The petitioner's vehicle set off for the destination in terms of the said e-challan but while the said petitioner's vehicle was stuck near Singur Bridge due to jam and "no -Entry" orders passed by local police at Singur, District-Hooghly, the same was intercepted by four officers of the Block Land and Land Reforms Office, Singur. The said officer sought for monetary gratification from the driver of the vehicle and threatened him that failure to honour the demand would lead to blocking of issuance of e-challan in respect of the said vehicle.
 - d. Ultimately on the very next day, the petitioner found that generation of e-challan in respect of the said vehicle had been blocked in the relevant portal.
 - e. The petitioner made a representation dated August 22, 2023 but the same has remained unheeded.
 - f. Being aggrieved by the said action of blocking of the e-challan generation facility in respect of the petitioner's vehicle, the petitioner has approached this Court by way of the present writ petition.
3. Learned advocate appearing on behalf of the petitioner submits that the action of blocking the e-challan generation facility in respect of the petitioner's vehicle has been taken without hearing the petitioner. It is submitted that the petitioner could get to know about such blocking from the portal and no order has been communicated to the petitioner. It is submitted that

the authority concerned has no power to block the e-challan generation facility.

4. The learned Advocate appearing for the State Respondents submits that the action of blocking the e-challan generation facility in respect of the petitioner's vehicle has been rightly taken. It is submitted that when the petitioner's vehicle which was carrying sand/riverbed material was intercepted the period of validity mentioned in the e-challan had already expired and therefore the petitioner's vehicle could not be said to have been operating on the basis of a valid e-challan.
5. It is also submitted that in terms of Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016, once an order blocking the e-challan generation facility is passed by the appropriate authority, the petitioner would have to approach the appellate authority by preferring an appeal and a writ petition assailing such order should not be entertained. It is further submitted that in terms of Rule 50(1) of the West Bengal Minor Minerals Concession Rules, 2016, the Additional District Magistrate and District Land & Land Reforms Officer has authority to block the e-challan generation facility as well as to impose fine. Copy of instructions handed up to Court by the learned Advocate for the Respondent is taken on record.
6. In reply, it is submitted on behalf of the petitioner that even if the time mentioned in the e-challan could not

be maintained by the petitioner, the same cannot be attributed to the petitioner inasmuch as delay due to traffic congestion is beyond the petitioner's control. It is further submitted that a road e-challan had in fact been issued and the petitioner cannot be said to have violated the law if he failed to maintain the time mentioned in the e-challan for reasons beyond his control.

7. Heard the learned Advocates appearing for the respective parties and considered the material on record. The action of blocking the facility for e-challan generation in respect of the petitioner's vehicle must have been followed by a reasoned order thereby affording the petitioner an opportunity to respond to the action taken by the respondent and put forth its case. By not having done so, the respondents have indeed acted in contravention of the principles of natural justice and fair play. In view of the fact that there is no order passed as yet, except an intimation on the portal, the remedy of appeal, if there be any, would be illusory. In any case, it is settled law that alternative remedy is not a complete bar to the entertainment of a writ petition, if the order impugned is wholly unreasoned or has been passed in violation of the principles of natural justice. The writ petition is therefore entertained.

8. As regards the writ petitioner's contention that the respondent Additional District Magistrate and District Land & Land Reforms Officer has no power to block e - challan generation facility, this Court is satisfied that the Additional District Magistrate and District Land & Land Reforms Officer has power to block e-challan in respect of the petitioner's vehicle. It is the writ petitioner's case that the vehicle in question was carrying sand/riverbed material. In such view of the matter the provisions of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 would apply to the writ petitioner's case. If the provisions of Rules 25 (1) and (2) of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 are read cumulatively and meaningfully, it will be clear that such power to block e-challan generation facility is indeed vested with the relevant authority. For the facility of reference, the said Rule is quoted hereinbelow:

25. Power to Seize: -

(1) Whenever any person carries out any sand mining operations or causes to be carried out any sand mining operations without any lawful authority, and for that purpose, uses any tool, equipment, carrier, or any other thing ("property"), such property shall be liable to be seized by the Authorised Officer.

(2) Every Authorized Officer seizing any property under these Rules shall photograph the property and place on such property a mark in such manner as may be specified, indicating that the same has been so seized and shall raise a ticket on the centralized portal and inform the person from whom the property is seized, in writing about such seizure and the applicable amount for release of property so seized.

9. The action of seizing the property and raising “a ticket on the centralized portal and inform the person from whom the property is seized” as mentioned in Rule 25(2) of the West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021 read together in the context of a vehicle used for transportation of sand would certainly indicate power to block e-challan generation facility, in order to prevent user of the relevant vehicle for illegal transportation of sand. However, such power must be exercised in manner compatible with the principles of natural justice and the same must be based on reasons. Law in this regard is fairly well settled.
10. In the case at hand although the Court has found that the order impugned deserves interference, yet, since the matter involves an allegation of illegal or unauthorized transportation of sand/river bed material which are highly regulated minor minerals, given their

extreme importance for environmental sustainability as well as economic stability of the country this Court is not minded to totally vacate the blocking of e-challan as done by the respondent Additional District Magistrate and District Land & Land Reforms Officer. Likewise, since the blocking of e-challan generation facility as aforesaid has the effect of restricting the petitioner's fundamental right to continue with or carry on the business of transporting sand/river bed material, such blocking that has been imposed at the very threshold cannot also be allowed to be continued for an indeterminate period without furnishing proper reasons therefor and without hearing the petitioner. In such view of the matter, in order to balance equity with law, the order impugned is modified to the following extent:

- a) Blocking of the e-challan generation facility as imposed by the respondents would remain limited to a period of two working weeks from the date of communication of this order.
- b) Within the said period of two working weeks, the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman shall afford an opportunity of hearing to the petitioner and pass a reasoned order, strictly in accordance with law after considering the writ petitioner's

contention. Needless to mention that the petitioner shall be entitled to present his case in writing.

- c) It is clarified that if the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman is not satisfied with the writ petitioner's submissions/contentions, the said authority shall be free to continue the blocking of the e-challan facility in respect of the petitioner's vehicle and/or to impose fine upon the petitioner, as may be permissible in law.

11. WPA 8933 of 2025 stands disposed of. There shall, however, be no order as to costs.

12. Since no Affidavit-in-Opposition has been invited, allegations made in the writ petition are deemed not to have been admitted by the respondents.

13. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)