

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

Ct.551 **12.09.25**
Item No.3 Sws.M

**WPA 8917 of 2025
(Assigned)**

**Shri Jahir Ahmed Khan @ Jahir Khan & Anr.
Vs
The State of West Bengal & Ors.**

Mr. Phatick Chandra Das

...for the petitioners

Mr. Soumitra Bandopadhyay, Ld. Sr. Govt. Adv
Mr. Ramchandra Guchhait

....for the State

Mr. Sanjay Saha
Mr. Raju Mondal

....for the respondent No. 4

1. The petitioners are aggrieved by an order dated December 4, 2024 passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman whereby the facility of generation of e-challan in respect of the petitioners' vehicle has been blocked on the central online portal (such that e-challan would not be issued for the petitioners' vehicle on the central online portal till the same is unblocked) and a penalty/fine of a sum of Rs.1,00,000/- (Rupees one lakh only) has been imposed.
2. Briefly summed up, the case run in the writ petition is as follows:

- a. The petitioners own a sixteen wheeler vehicle which is used by them for their business of carrying riverbed material/sand throughout West Bengal.
- b. On or about December 1, 2024 a road e-challan was issued in respect of the said vehicle for transportation of sand/riverbed material from Mouza- Sira, Barrah, Birbhum to Kakdwip, South 24 Parganas.
- c. The petitioners' vehicle set off for the destination in terms of the said e-challan on December 01, 2024 itself but while the said vehicle was stuck due to heavy traffic congestion on the Durgapur Express Highway, the same was intercepted by two officers from the District Land and Land Reforms Office, Purba Bardhaman, New Shaktigarh. The said officers 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 December 4, 2024 on the basis of the report of two officers of the District Land and Land Reforms Office, Purba Bardhaman, New Shaktigarh, the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman passed an order of even date thereby blocking issuance of e-challan in respect of the said vehicle and imposing fine of a sum of Rs. 1,00,000/- (Rupees One Lakh

only). The order commands that payment of the fine as imposed within a period of seven days was mandatory to get the e-challan generation facility unblocked.

- e. The petitioners made a representation dated December 05, 2024 against the said order dated December 04, 2024 but the same has remained unheeded.
 - f. Being aggrieved by the said order dated December 4, 2024, the petitioners have approached this Court by way of the present writ petition.
3. Learned advocate appearing on behalf of the petitioners submits that the order dated December 4, 2024 has been passed without hearing the petitioners and the reason mentioned therein is wholly without basis. It is submitted that the order dated December 4, 2024 indicates that the petitioners' vehicle was carrying sand/riverbed materials "without valid e-challan (02)", but the petitioners in fact had a valid challan. It is further submitted that they are being penalized for no fault of their own. The learned Advocate appearing for the petitioners further submits that the authority concerned has no power to block the e-challan generation facility and to impose fine.
 4. The learned Advocate appearing for the State Respondents submits that the order impugned has been validly passed. It is submitted that when the

petitioners' vehicle which was carrying sand/riverbed material was intercepted the period of validity mentioned in the e-challan had already expired and therefore the petitioners' 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 and imposing fine is passed by the appropriate authority, the petitioners 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 petitioners that even if the time mentioned in the e-challan could not be maintained by the petitioners, the same cannot be attributed to the petitioners inasmuch as delay due to traffic congestion is beyond the petitioners' control. It is further submitted that a road e-challan had in fact been issued and the petitioners cannot be said to have violated the law if they failed to maintain the time

mentioned in the e-challan for reasons beyond their control.

7. Heard the learned Advocates appearing for the respective parties and considered the material on record. The order impugned in this writ petition i.e. the order dated December 04, 2024 that the same is wholly unreasoned. Before proceeding to penalize the petitioners, the order only states that the petitioners' vehicle was "intercepted by the Checking Officer at BURDWAN SADAR for carrying Sand/Riverbed materials without valid e-challan (02)". The order does not state that the petitioners' vehicle was without any e-challan. Since the validity of the e-challan in respect of the petitioners' vehicle has been impeached by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman the basis thereof must have been disclosed. The order should have disclosed the reasons based whereon the validity of the e-challan was questioned. The order is one that triggers civil consequences inasmuch as it has led to the blocking of e-challan generation in respect of a vehicle used for transportation of sand/riverbed material and imposition of fine. Furthermore, such order in the considered view of this Court should have been passed only after hearing the writ petitioners. The learned Advocate appearing for the Respondent could not refute the contention of the learned Advocate for the

petitioners that the order dated December 04, 2024 has been passed without hearing the writ petitioners. The said order dated December 04, 2024 therefore deserves interference.

8. As regards the contention of there being an appellate remedy, 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.
9. As regards the writ petitioners' 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 petitioners' vehicle. It is the writ petitioners' 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 petitioners' 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.

10. 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 a manner compatible with the principles of natural justice and the same must be based on reasons. Law in this regard is fairly well settled.

11. 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 petitioners' 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 petitioners. In such view of the matter, in order to balance equity with law, the order impugned is modified to the following extent:

- a) The portion of the order whereby fine/penalty to the tune of Rs.1,00,000/- (Rupees One Lakh only) has been imposed upon the petitioners for the purpose of seeking unblocking of the petitioners vehicle to facilitate generation of e-challan is quashed.
- b) Blocking of the e-challan generation facility as imposed by the order dated December 04, 2024 would remain limited to a period of two working weeks from the date of communication of this order.
- c) Within the said period of two working weeks (from the date of communication of this order), the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman shall afford an opportunity of hearing to the petitioners and pass a reasoned order, strictly in accordance with law, after considering the writ petitioners' contention. Needless to mention that the petitioners shall be entitled to present their case in writing.
- d) It is clarified that if the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman is not satisfied with the writ petitioners' submissions/contentions, the said authority shall be free to continue the blocking of the e-challan facility in respect of the petitioners' vehicle and/or to impose fine upon the petitioners, as may be permissible in law.

12. WPA 8917 of 2025 stands disposed of. There shall, however, be no order as to costs.
13. Since no Affidavit-in-Opposition has been invited, allegations made in the writ petition are deemed not to have been admitted by the respondents.
14. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)