

S/L 7
23.05.2025
Court. No. 19
Suwayan

WPA 10896 of 2025

Yogendra Kumar Singh
Vs.
The State of West Bengal & Ors.

Mr. Sukanta Chakraborty
Mr. Soumya Kanti Sinha
Ms. Suparna Das
Mr. Anindya Halder

...for the petitioner.

Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha

...for the State.

1. Both the writ petitioner and the respondents/State and its functionaries are represented by their respective learned Counsels.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 5 to execute the deed of lease in favour of the writ petitioner with regard to the Sand Mining Block being Galsi-II/Gohogram/6002/D located in plot no. 6002(P) in Mouza – Gohogram, J.L. no. 70, P.S. – Galsi, District – Burdwan over an area of 9.81 acres (3.97 hectares).
3. In course of hearing learned Advocate for the writ petitioner at the very outset draws attention of this Court to page no. 47 of the instant writ petition being a copy of the memo dated 10.01.2017 whereby and whereunder LOI was granted by the respondent no. 8/authority in favour of the writ petitioner being the highest bidder in e-auction for grant of mining lease for

sand in respect of the aforementioned plot of land. It is submitted that from page no. 51 of the instant writ petition it would reveal that the writ petitioner's mining plan has been approved by the Chief Mining Officer, Government of West Bengal. It is submitted further that from page no. 85 of the instant writ petition it would reveal that the respondent no. 8/authority under cover of his memo dated 14.11.2022 extended the validity of the LOI.

4. Drawing attention to page no. 93 of the instant writ petition being a copy of the memo dated 28.02.2024 it is submitted that under cover of the said memo the writ petitioner was granted environmental clearance for the proposed mining in the said plot by the State Environment Impact Assessment Authority (SEIAA), West Bengal.
5. At this juncture, learned Advocate for the writ petitioner submits before this Court that soon thereafter the writ petitioner has already paid all the dues to the respondents/authorities which would be evident from page nos. 104 to 105 of the instant writ petition. It is submitted that despite compliance of all the formalities under the provisions of the West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as the 'said Rules of 2016') and West Bengal Minor Minerals (Auctions) Rules, 2016 (hereinafter referred to as the 'said Auctions Rules of 2016'), the respondents/authorities more specifically; respondent no. 2/authority has not yet executed the registered

deed of lease for mining operation in respect of the aforementioned plot for the reason best known to him.

6. It is submitted that that in view of the compliance of all legal formalities by the writ petitioner there cannot be any predicament on the part of the respondents/authorities more specifically; the respondent nos. 5 and 7 for not executing the deed of lease as prayed for.
7. Drawing attention to page no. 117 of the instant writ petition it is submitted that under cover of a letter dated 12.12.2024 the writ petitioner made a representation with the respondent no. 8/authority for immediate registration of the mining lease in favour of the writ petitioner but the respondents/authorities more specifically; the respondent nos. 5 and 7 are practically sitting ideal over the matter and did nothing. It is thus submitted that appropriate relief/reliefs granted to the writ petitioner in terms of the prayer made in the instant writ petition.
8. *Per contra*, Ms. Sinha, learned Advocate appearing on behalf of the State submits before this Court that on account of pendency of a SLP before the Hon'ble Supreme Court, the lease deed cannot be executed in favour of the writ petitioner.
9. In course of his reply, learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page nos. 253 to 267 of the instant writ petition being a copy of the judgment and order dated 28.02.2025 as passed by the National Green Tribunal

Eastern Zone Bench, Kolkata. It is submitted on behalf of the writ petitioner that by the said judgment and order dated 28.02.2025 the original application no. 241/2024/EZ as filed by some third parties have been dismissed and challenging that order the said third parties preferred a SLP, however, the said SLP has not yet been admitted and thus no stay order is passed.

10. This Court has meticulously gone through the entire materials as placed before this Court. This Court has given due consideration over the submissions of the learned Advocates for the contending parties.
11. On careful consideration of the entire materials as placed before this Court, this Court has got no hesitation to hold that after obtaining LOI from the respondents/authorities for mining operation in respect of the aforementioned plot, the writ petitioner has complied with all legal formalities.
12. Such contention is also not opposed on behalf of the respondents/State.
13. At this juncture, this Court proposes to look to the judgment and order dated 28.02.2025 as passed by the National Green Tribunal, Eastern Zone Branch in original application no. 241/2024/EZ and the relevant portion of the said judgment and order are quoted hereinbelow in verbatim:

“19. The Fact Finding Committee constituted by the Tribunal has clearly recorded that during the field visit there was no mining activity being carried out at the site in question nor were any tracks of any

machinery or vehicle found at the site to suggest that mining has been carried out and, therefore, the question of damage to the environment did not arise; the Committee also noted that the site in question was covered with patches of wild grass which also confirmed that no mining had taken place in the area for a substantial length of time and there was no adverse effect on fishing or agriculture or depletion of ground water; the Committee has categorically noted that till date mining lease deed has not been executed in favour of the Respondent Nos. 9 & 10; though Consent to Establish, Consent to Operate and Environmental Clearance have been granted to the Respondent Nos. 9 & 10 by the respective authorities.

20. Learned Counsel for the Applicants has also referred to the photographs filed with the affidavit, which does not show any mining activity of any kind at all. These photographs, in fact, show cultivation of vegetables which only confirms the Report of the Fact Finding Committee that the project site was covered with patches of wild grass and there were no tracks of mining activity.

21. For reasons stated hereinabove, particularly in view of the Inspection Report and to own photographic evidence filed by the Applicants, we do not find the allegations made in the present Original Application to be substantiated. The Original Application No. 241/2024/EZ lacks merit and is accordingly dismissed.

22. I.As, if any, stand disposed of accordingly.

23. There shall be no order as to costs.”

14. It thus reveal to this Court that the allegation as raised by some third parties against the writ petitioner before

the NGT are found to have without any substance, which is why the said original application was dismissed. Admittedly, the said third parties being the applicants of the aforementioned original application preferred an SLP, however, no materials could be placed before this Court that any order was passed by the Hon'ble Supreme Court in connection with the said SLP.

15. In view of such, this Court considers that there cannot be any predicament on the part of the respondents/authorities more specifically; on the part of the respondent nos. 5 and 7 to execute the deed of lease in favour of the writ petitioner in respect of the aforementioned plot as has been specifically mentioned in prayer (b) of the instant writ petition.
16. It is pertinent to mention herein that on repeated occasions the Hon'ble Supreme Court has reminded as that in absence of any specific order of stay, no proceeding should remain stayed and/or held up.
17. In view of such, while disposing the instant writ petition, this Court directs the respondent nos. 5 and 7 to execute the registered deed of lease in respect of the aforementioned plot positively within 15 working days from the date of communication of the server copy of this order unless the said two respondents are restrained by any stay order by the Hon'ble Supreme Court.
18. It is, however, made clear that the effect of the execution and registration of the said deed lease would

be obviously subject to outcome of the SLP as preferred by the applicants of original application no. 241/2024/EZ before the NGT, Kolkata.

19. Liberty is given to the learned Advocate-on-Record of the writ petitioner to communicate the server copy of with this order to the respondent nos. 5 and 7 forthwith.
20. The respondent nos. 5 and 7 are directed to act on the basis of the server copies of this order.
21. With the aforementioned observation, the instant writ petition being WPA 10896 of 2025 is disposed of.
22. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)