

S/L 90
30.06.2025
Court. No. 19
Suwayan

WPA 10998 of 2025

**Sri Basudeb Pal
Vs.
The State of West Bengal & Ors.**

Mr. Susanta Kumar Rakshit

...for the petitioner.

*Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing learned Advocate for the writ petitioner submits before this Court that undisputedly on 04.09.2019 a deed of renewal of mining lease was executed in favour of the writ petitioner but on account of pendency of a SLP before the Hon'ble Supreme Court challenging the judgment and order dated 21.12.2018 in FMA 1593 of 2018 in CAN 1540 of 2018 (MAT 2026 of 2017), the respondents/authorities had not issued appropriate administrative orders in favour of the writ petitioner enabling him to start the work of excavation of sand from the relevant portion of the river bed.
3. It is submitted that from page no. 19 of the instant writ petition it would reveal that on 18.03.2024 the SLP as preferred the respondents/authorities stood dismissed since it has been submitted on behalf of the respondents/State herein that the said SLP has become infructuous.

4. It is submitted that since the said renewed deed of lease is going to be expired on 03.09.2024 that is within six months from the date of passing of the judgment and order by the Hon'ble Supreme Court in the aforementioned SLP the writ petitioner approached the respondent no. 4/authority for further extension of the period of lease which was turned down by the respondent no. 4/authority under cover of his order dated 08.01.2025 as has been annexed at page nos. 31 to 33 of the instant writ petition.
5. At this juncture, Mr. Rakshit, learned Advocate for the writ petitioner draws attention of this Court to Rule 62 of the West Bengal Minor Minerals Concessions Rules, 2016 (hereinafter referred to as the said Rules of 2016). It is submitted that Rule 62 (2) of the said Rules of 2016 clearly mandates that notwithstanding of repeal of West Bengal Minor Minerals Rules, 2002 (hereinafter referred to as the said Rules of 2002) anything done, any action taken or any prosecution started under the said Rules of 2002 shall be deemed to have been validly done and taken or started under the corresponding provisions of the said Rules of 2002.
6. It is further submitted by Mr. Rakshit that the said Rules of 2016 came into force on 29.07.2016 whereas the judgment and order as passed by the Division Bench in MAT 2026 of 2017 was passed on 21.12.2018 and the mining lease of the writ petitioner was renewed on 04.09.2019 that is after the coming into force of the said Rules of 2016.

7. It is thus submitted by Mr. Rakshit that in view of the factual scenario the writ petitioner is entitled to get benefit of Rule 62 (2) of the said Rules of 2016.
8. It is further submitted that the writ petitioner felt aggrieved with the order dated 08.01.2025 as passed by the respondent no. 4/authority and thus preferred a review application on 02.04.2025, a copy of which has been annexed at page nos. 34 to 37 of the instant writ petition which has not been disposed of by the respondent no. 4/authority as yet for the reason best known to him.
9. Mr. bandyopadhyay, learned Senior Government Advocate appearing on behalf of the respondents/State and its functionaries in his usual fairness submits before this Court that the respondent no. 4/authority may be directed to dispose of the review application as made by the writ petitioner in accordance with law.
10. Considering the entire factual scenario as discussed in the foregoing paragraphs and after hearing the learned Advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no. 4/authority to consider the review petition dated 02.04.2025 as filed by the writ petitioner in accordance with law and after giving due opportunity of hearing either to the writ petitioner and/or to his authorized representative shall pass a reasoned order on such review application positively within 45 working days from the date of communication of the server copy of this order.

11. The time limit as fixed by this Court is mandatory and peremptory.
12. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 4/authority.
13. The respondent no. 4/authority is directed to act on the server copy of this order.
14. Before parting with, it is, however, made clear that the observation as made hereinabove is purely disposal of the instant writ petition and the respondent no. 4 is hereby directed not to persuade himself with any of the observations made hereinabove while disposing the review application as filed by the writ petitioner.
15. With the aforementioned observations, the instant writ petition being WPA 10998 of 2025 is disposed of.
16. 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.)