

N.22Sl
151/CL

WPA 11257 of 2025

Aniruddha Banerjee

-vs-

The State of West Bengal & Ors.

11.09.2025
SL-06
Ct.19
(S.R.)

Mr. Supriyo Chattopadhyay
Mr. Manik Das
Mr. Sudip Kumar Maity
Mr. Bodhisattya Halder

... for the petitioner.

Mr. Ayan Banerjee
Mr. Amritalal Chatterjee
Mr. A. Chowdhury
State.

... for the

1. On perusal of the previous order dated 09.09.2025, it reveals that just below the cause title, the name of the learned advocate for the State has been wrongly typed 'Mr. Ayan Chatterjee' in place and stead of 'Mr. Ayan Banerjee'.
2. In view of such, the word '**Chatterjee**' as appearing in the order dated 09.09.2025 is replaced by the word '**Banerjee**'.
3. Necessary correction in this regard is made by me in Court today.
4. Let this order be treated as part of the order dated 09.09.2025.
5. Both the writ petitioner and the respondent/State and its instrumentalities are represented by their respective counsels.
6. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs

against the respondent authorities, more specifically, against the respondent no.3/authority for quashing and/or cancelling the order dated 29.04.2025, as passed in Case No. Misc. 05/MM of 2025, a copy of which has been annexed at page nos.109 to 223 of the instant writ petition.

7. At the time of hearing, Mr. Chattopadhyay, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos.59 to 61 of the instant writ petition, being a copy of the memo dated 10.11.2017, as issued by the respondent no.2/authority, wherefrom it reveals that under cover of the said memo dated 10.11.2017, award of contract (AOC), in short, was issued in the name of the writ petitioner in respect of three Sand Blocks, particulars of which have been mentioned in Serial Nos.11, 12 and 14 of the said AOC. According to Mr. Chattopadhyay, the subject matter of the instant writ petition is, however, related to Sand Block No.Kanksa/Basudha/4787(P)/E.
8. Drawing attention to page no.62 of the instant writ petition, Mr. Chattopadhyay submits before this Court that pursuant to the said AOC, the writ petitioner deposited a sum of Rs,83,33,334/- towards one-third royalty in respect of the said Sand Block No. Kanksa/Basudha/4787(P)/E. It is further contended by Mr. Chattopadhyay that soon, thereafter, the writ

petitioner noticed that in the aforementioned Sand Block bearing No.4787(P)/E excavation of sand is not possible and, as such, the writ petitioner approached before the jurisdictional DL & LRO i.e. the respondent no.3/authority in writing and on receipt of such complaint from the writ petitioner, the respondent no.3/authority directed the respondent no.5/authority to cause physical enquiry regarding availability of sand in the said Sand Block bearing No.4787(P)/E and to send a report to him under cover his memo dated 12.06.2018, a copy of which has been annexed at page no.64.

9. It is further submitted by Mr. Chattopadhyay that since no fruitful result came out even after such inspection from the office of the respondent no.3, the writ petitioner approached this Court for ventilating his grievance by filing WPA 21745 of 2023, which came to be disposed of by a Coordinate Bench of this Court on 10.02.2025.
10. Drawing attention to page nos.72 to 74 of the instant writ petition, being a copy of the order dated 10.02.2025 as passed in WPA 21745 of 2023, it is submitted by Mr. Chattopadhyay that despite direction passed by a Coordinate Bench upon the respondent no.4/authority, who is the respondent no.3/authority herein, no prior notice was served upon the writ petitioner regarding physical inspection

of the aforementioned leasehold area situated at Sand Block no.4787(P)/E and all of a sudden on 16.04.2025, the respondent no.3/authority was directed to be present on 24.04.2025 at 1.00 p.m. for the purpose of hearing in terms of the previous order dated 10.02.2025, as passed in WPA 21745 of 2023.

11. Drawing attention to page no.77 of the instant writ petition, it is further submitted by Mr. Chattopadhyay that, surprisingly, the respondent no.5/authority under cover of his memo dated 24.03.2025 forwarded a inspection report in respect of a different site i.e. 4785(P)/C that too after conclusion of hearing by the respondent no.3/authority.
12. It is further submitted by Mr. Chattopadhyay that from the materials, as placed before this Court, it would reveal that the respondent nos.3 and 5/authorities have miserably failed to comply with the order dated 10.02.2025, as passed by a Coordinate Bench of this Court in WPA 21745 of 2023, inasmuch as prior to inspection, no notice was served upon the writ petitioner, the inspection was done in a different site i.e. in Plot No.4785(P)/C instead of 4787(P)/E and even after the said inspection, the report was forwarded to the writ petitioner after the date of hearing on 16.04.2024.
13. It is, thus, submitted by Mr. Chattopadhyay that the order impugned dated 29.04.2025 suffers from

material illegality and irregularity and further principle of natural justice has been seriously denied at the instance of the respondent authorities and, thus, the same is required to be interfered in a judicial review by exercising high prerogative writ jurisdiction of this Court.

14. Per contra, Mr. Banerjee, learned advocate appearing on behalf of the respondent/State at the very outset draws attention to page nos.13 and 14 of the report, as filed by the respondent nos.1 to 5/authorities. It is submitted by Mr. Banerjee that from page nos.13 and 14 of the aforementioned report, it would reveal that in compliance with the direction, as passed in WPA 21745 of 2023, prior notice was served upon the writ petitioner on 21.02.2025 and, therefore, it is not correct to say that the writ petitioner was not served with advance notice, as wrongly alleged.
15. At this juncture, Mr. Banerjee further draws attention of this Court to page nos.68 and 69 of the instant writ petition, being a copy of the letter dated 27.04.2022, as issued by the writ petitioner addressed to the respondent no.5/authority. It is submitted by Mr. Banerjee that from the contents of the said letter dated 27.04.2022, it would reveal that the writ petitioner has raised dispute with regard to Plot No.4785(P)/C and not in respect of 4787(P)/E. It is, thus, submitted by Mr. Banerjee that from the

materials, as placed before this Court, it would reveal that the writ petitioner has not come with a clean hand in court and, thus, the instant writ petition is liable to be dismissed.

16. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals to this Court that admittedly there is a mismatch with regard to the actual plot number in respect of which AOC was granted to the writ petitioner.
17. For the sake of argument, even, if this Court accepts the argument of Mr. Banerjee that under cover of the letter dated 27.04.2022, the writ petitioner has raised dispute with regard to the Plot No.4785(P)/E, no explanation is forthcoming as to what prompted the respondent no.3/authority to issue a memo dated 12.06.2018 for causing physical enquiry in Plot No.4787(P)/E.
18. It further appears to this Court that even in the report of the respondent nos. 1 to 5, as filed before this Court, there is no proper explanation with regard to the aforementioned mismatch since in such report, there is no whisper at which tender site physical inspection was conducted.
19. In view of such, in order to avoid any further ambiguity, this Court while disposing the instant writ petition set aside the order under challenge dated

- 29.04.2025 as passed by the respondent no. 3/authority.
20. This Court directs the present writ petitioner and/or his authorized representative to be personally present in the office of the respondent no. 3/authority on September 22, 2025 at 1.00 p.m. when the respondent no. 3/authority shall handover a notice to the writ petitioner indicating the date and hour of causing physical inspection of Sand Block Kanksa/Basudha/4787 (E)/E by the respondent no. 5/authority.
21. Liberty is given to the writ petitioner and/or his authorized representative to remain personally present on the day and hour of physical inspection as would be done by the respondent no. 5/authority failing which the respondent no. 5/authority will submit a report as per his inspection ignoring the absence of the writ petitioner.
22. The respondent no. 5/authority shall submit his inspection report with the respondent no. 3/authority positively by October 27, 2025 after serving an advance copy of the said inspection report to the writ petitioner preferably by email, if the email details of the writ petitioner is provided to him in writing by the writ petitioner prior to inspection.
23. The respondent no.3/authority after obtaining the report from the respondent no. 5/authority shall give

a notice in writing as well as by email to the writ petitioner and after giving a due opportunity of hearing both to the writ petitioner and/or the respondent no. 5/authority shall pass a reasoned order in the light of the order dated 10.02.2025 as passed in WPA 21745 of 2023 by a Coordinate Bench of this Court and shall forthwith communicate the same to the writ petitioner also through email if the email details of the writ petitioner is provided to him at the time of hearing.

24. The entire exercise as indicated in the foregoing paragraphs is to be completed by the respondent no. 3/authority by November 15, 2025.
25. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent nos. 3 and 5/authorities.
26. The respondent nos. 3 and 5/authorities are hereby directed to act on the basis of the server copy of this order.
27. The time limits as fixed by this Court are mandatory and peremptory.
28. Before parting with, it is, however, made clear that in the event while passing the reasoned order, the respondent no. 3/authority finds sufficient justification with regard to the grievance of the writ petitioner, he shall forthwith take appropriate steps for grant of AOC in favour of the writ petitioner in

respect of a separate sand block in the District –
Paschim Bardhaman.

29. With the aforementioned observations, the instant writ
petition being **WPA 11257 of 2025** is disposed of.
30. Urgent photostat certified copies of this order, if
applied for, be supplied to the parties upon
compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)