

Court No. 2
03.01.2025
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12856 of 2024

Dhananjoy Nandi & Ors
VS
The State of West Bengal & Ors.

Mr. Susanta Kumar Rakshit
.... For the petitioners
Mr. Supratim Dhar
Mr. Ratul Das
.... For the State respondents
Mr. Sanjay Saha
Mr. Raju Mondal
.... For WBMTDCL

Affidavit of service filed in Court today is taken on record.

Mr. Susanta Kumar Rakshit, learned advocate appears for the petitioners.

Mr. Supratim Dhar, learned senior advocate appears for respondent Nos. 1 to 5.

Mr. Raju Mondal, learned advocate appear for the respondent no.6.

The prayers in the writ petition are quoted below:

“a) A writ in the nature of Mandamus commanding the respondents to make the proper enquiry for issuing unlogo stamped e-challan in respect of the Mouza – Kantore Bonkati.

b) A writ in the nature of prohibition prohibiting the respondents from obtaining unlogo stamped e-challan in respect of the Mouza – Kantore Bonkati.

c) A writ in the nature of Certiorari directing the respondents to produce the relevant records relating to the case so that conscionable justice may be done in favour of the petitioners.

d) Rule NISI in terms of prayers (a) to (c) above.

e) To issue any other appropriate writ, order and/or direction and such further order or orders as Your Lordship may deem fit and proper.”

Following the previous direction of the co-ordinate bench by an order dated **February 6, 2024** the application for mining lease submitted by the petitioners under the **West Bengal Minor Minerals Concession Rules, 2016** has been **rejected** at **page 25** to the writ petition.

With the promulgation and effect of the **West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021** any lease in respect of a sand block now has to be granted by way of floating tender by the respondent No. 6.

Thus there is no scope for passing any order in this writ petition as the mining operation by granting lease of sand block is now governed under the provision of the said **2021 Rules**.

In view of the above, this writ petition according to this Court is devoid of any merit and is liable to be dismissed.

However, dismissal of this writ petition shall not preclude the petitioners to participate in the open tender if the authority floats any tender for the purpose of granting mining lease of the concerned sand block in accordance with law if the petitioners are otherwise found to be eligible then.

It is also made clear that, this order shall not create any right or equity in favour of the petitioners.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Accordingly, this writ petition, **WPA 12856 of 2024** stands **dismissed**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)