

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE PRASENJIT BISWAS**

FMA 957 OF 2025

**SOID AMIR ALI @ SAIYED AMIR ALI
VS.
THE STATE OF WEST BENGAL & ORS.**

For the Appellant : Mr. Mohit Chatterjee, Advocate
Mr. Sk. Humayan Reza, Advocate

Hearing & Judgment On : July 2, 2025

DEBANGSU BASAK, J.:

1. Appeal is at the behest of the writ petitioner and directed against the order dated April 10, 2025 passed in WPA 5108 of 2025.
2. By the impugned order, learned Single Judge noted that, the lease was for a period of five years commencing from September 11, 2009 and expiry on September 10, 2014. Learned Single Judge noted that, renewal of such lease was not possible. Learned Single Judge thereafter, dismissed the writ petition.
3. Learned advocate appearing for the appellant submits that, the appellant was granted lease on September 11, 2009 for a period of five years. Appellant could not utilize the lease since, in the first year

itself, there was a flood which washed away the pathway. Application for extension of the lease period was kept pending for a considerable period of time and atleast for a period of three years. Consequently, the period of lease should be extended atleast for a minimum period of three years. Therefore, he submits that, the appellant should be granted an opportunity to operate the lease for the period of next three years.

4. It appears from the impugned order that, the appellant applied for renewal of the mining lease in respect of plot No. 541(P) measuring about 9 acres at mouza Pantarai, J.L. No. 42, P.S. – Indus, Dist. – Bankura. It appears that proceedings were undertaken under the West Bengal Minor Mineral Rules, 2002 in which an order dated November 11, 2024 passed in Appeal Case No. 30 of 1012 by Commissioner, Medinipur Division. The application for renewal of the lease dated June 5, 2014 made by the appellant was rejected.
5. The order dated November 11, 2024 passed by the Commissioner, Medinipur Division in Appeal Case No. 30 of 2023 was assailed in the writ petition resulting in the impugned order. By the order dated November 11, 2024, the Commissioner, Medinipur Division, noticed that the mining lease was originally executed on September 11, 2009 and expired by efflux of time on September 10, 2014. Commissioner noticed that, prayer for renewal of lease was declined initially by the District Land and Land Reforms Officer, Bankura since a prayer for

renewal was not made within the stipulated period of time. Commissioner also noticed that, the application for renewal of mining lease should be made to the State in the Form D atleast six months from the date of the expiry of the lease.

6. There exists a sand mining policy of the Government. In such sand mining policy, existing lease are not to be renewed and would automatically stand vested with the State upon expiry of such lease.
7. Ground canvassed for renewal of the lease as flood which occurred, according to the appellant, immediately on the execution of the lease. We find such ground to be untenable for the purpose of extension of the period of the lease, since the appellant enjoyed the substantial period of the lease despite the flood. In any event, the flood was for a limited period of time. Moreover, the appellant did not apply for renewal within the stipulated time or before the prescribed authority.
8. In such circumstances, we find no ground to interfere with the appeal.
9. **FMA 957 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

10. I agree.

(Prasenjit Biswas, J.)

(Rohan)