

S/L 6
06.08.2025
Court. No. 19
Suwayan

WPA 13041 of 2025

**Pradip Mahapatra
Vs.
The State of West Bengal & Ors.**

*Mr. Soumya Kanti Sinha
Mr. Suparna Das
Mr. Anindya Halder*

...for the petitioner.

*Mr. Sk. Md. Galib
Mr. Manish Biswas*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 5.

1. The writ petitioner, the respondents/State and its instrumentalities and the West Bengal Mineral Development and Trading Corporation Limited i.e., the respondent no. 5 are represented by their respective Counsels.
2. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
3. At the time of hearing learned Advocate appearing on behalf of the writ petitioner has submitted photocopies of order dated 18.12.2024 and 03.04.2025 which are taken on record.
4. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writ against the respondents/authorities for withdrawal and/or resending and/or revocation of the letter of suspension bearing memo no. 1131 (9)/Datan-I/2018 dated 26.11.2018 issued by the BL&LRO, Datan – I, Paschim Medinipur and for allowing the petitioner to proceed

with Sand Mining Block MDTNB – 29 of plot no. 737(P), in Mouza – Sonakonia, J.L. no. 175, P.S. Dantan, District – Paschim Medinipur, lease area 8.89 acres within the river bed of Subarnarekha along with other ancillary reliefs.

5. At the time of hearing Mr. Sinha learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 71 of the instant writ petition being a copy of the registered deed of lease dated 05.06.2017 for excavation of sand as has been executed in favour of the writ petitioner.
6. It is submitted that during the operation of mining that is excavation of sand from the leased out area of the river bed of Subarnarekha, the writ petitioner was served with an order of suspension dated 26.11.2018 as issued by the jurisdictional BL&LRO that is the respondent no. 11 herein. It is submitted that from the copy of the said letter of suspension dated 26.11.2018 it would reveal that apart from the present writ petitioner eight more lessees' sand mining operation was suspended pursuant to an order dated 04.09.2018 as passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in connection with O.A. no. 173 of 2018 (Sudarsan Das vs. State of West Bengal & Ors.).
7. It is submitted further that subsequently the boundary dispute between the State have been resolved and considering such circumstances a co-ordinate Bench vide order dated 05.08.2024 in WPA 13386 of 2024

(Mithu Singha vs. The State of West Bengal & Ors.)
directed the respondent no. 2/authority to consider the representation of the writ petitioner therein for withdrawal of the suspension order dated 26.11.2018.

8. It is pertinent to mention herein that the said Mithu Singha the writ petitioner in WPA 13386 of 2024 is one of the recipients of the said suspension order dated 26.11.2018.
9. Drawing further attention of this Court to page no. 131 of the instant writ petition being a copy of the order dated 10.11.2022 it is submitted by Mr. Sinha that the respondent no. 2/authority passed a favourable order in favour of the said writ petitioner, Mithu Singha on 18.12.2024 whereby and whereunder the said writ petitioner Mithu Singha was permitted to carry on the mining operation and further the period of lease as executed in favour of the said Mithu Singha was extended for a period of 3 years 11 months 14 days.
10. It is further submitted on behalf of the writ petitioner that the present writ petitioner, Pradip Mahapatra stands on a similar footing with the said Mithu Singha who is the writ petitioner in WPA 13386 of 2024.
11. It is thus submitted that appropriate writ/writs may be issued against the respondent no. 2/authority to pass a reasoned order on the representation of the writ petitioner as submitted on 23.05.2025 as has been annexed at page nos. 148 to 162 of the instant writ petition in the light of the said order dated 05.08.2024 as passed in WPA 13386 of 2024 by a co-ordinate

Bench of this Court as well as the order dated 18.12.2024 as passed by the respondent no. 2/authority in favour of the said Mithu Singha.

12. Mr. Galib, learned Senior Government Advocate appearing on behalf of the respondents/State in his usual fairness submits before this Court that the respondent no. 2/authority may be directed to consider the representation dated 23.05.2025 as submitted by the writ petitioner in accordance with law.
13. Mr. Saha, learned Advocate appearing on behalf of the respondent no. 5/authority echoes the submission of Mr. Galib.
14. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court is of considered view that sufficient materials have been placed before this Court that the present writ petitioner is standing on the same footing with the said Mithu Singha who is the writ petitioner in WPA 13386 of 2024.
15. Sufficient materials have been placed before this Court that the respondent no. 2/authority has not taken any decision over the representation dated 23.05.2025 as made by the writ petitioner.
16. In view of such, this Court while disposing the instant writ petition directs the respondent no. 2/authority to consider the representation dated 23.05.2025 as submitted by the writ petitioner in accordance with law and after giving an opportunity of hearing to the writ

petitioner and/or his authorized representative shall pass a reasoned order keeping in mind the spirit of the order and judgment dated 05.08.2024 as passed in WPA 13386 of 2024 (Mithu Singha vs. The State of West Bengal & Ors.) as well as the order dated 18.12.2024 as passed by the respondent no. 2 himself in connection with the representation of the said Mithu Singha and to communicate the said reasoned order to the writ petitioner forthwith preferably by mail, if the mail details of the writ petitioner is provided to him at the time of hearing.

17. Before parting with, it is further made clear that in the event the respondent no. 2/authority finds sufficient merit in the representation of the writ petitioner, the said respondent no. 2/authority while disposing the representation of the writ petitioner shall also pass a speaking order regarding the fate of the application of the writ petitioner for extension of the period of lease which must be equivalent to the days of suspension of work of mining pursuant to the memo dated 26.11.2018 as issued by the respondent no. 11.
18. The entire exercise as indicated hereinabove is to be completed by the respondent no. 2/authority within 30 working days from the date of communication of the server copy of this order.
19. 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. 2/authority.

20. The respondent no. 2/authority is hereby directed to act on the basis of the server copy of this order.

21. With the aforementioned observation, the instant writ petition 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.)