

S/L 7
19.06.2025
Court. No. 19
Suwayan

WPA 12781 of 2025

**Kartick Ghosh
Vs.
The State of West Bengal & Ors.**

*Mr. Kallol Basu
Mr. Suman Banerjee*

...for the petitioner.

*Mr. Ashim Kumar Ganguly
Mr. Bellal Shekh*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent nos. 2 to 4.

1. The affidavit-of-service and the supplementary affidavit as filed on behalf of the writ petitioner are taken on record.
2. The subject matter of challenge in the instant writ petition is the memo dated 09.06.2024 as issued by the respondent no. 2/authority.
3. On perusal of the petition under consideration after hearing the learned Advocates for the contending parties this Court finds that undisputedly the writ petitioner participated in the auction process for leasing out sand blocks of 10.2 hectares on river Damodar in Mouza – Kumirkola under P.S. – Khandaghosh, District – Purba Bardhaman.
4. It is also undisputed that the writ petitioner was the highest bidder and the respondent no. 2 and its functionaries directed the writ petitioner through email dated 17.01.2025 to deposit 50 percent of the annual sand premium within a stipulated time.

5. It is the further case of the writ petitioner that immediately after receipt of such email the writ petitioner went to the sand block that is on the river bed of Damodar for the purpose of preparation of mining plan for obtaining various statutory permissions as well as environmental clearance and at that time the writ petitioner was resisted by some unknown persons who claimed themselves to be the owners of plot nos. 601, 1573, 1574, 1575, 1576, 1579 and 1580.
6. It is the further case of the writ petitioner that the factum of such resistance was brought to the notice of the respondent no. 3 by issuing a letter dated 12.02.2024.
7. Since according to the writ petitioner no steps have been taken, the writ petitioner submitted another representation on 28.02.2024. It is the grievance of the writ petitioner that the writ petitioner's aforementioned two representations dated 12.02.2024 and 28.02.2024 remained unheard-of and on the contrary the writ petitioner received a letter dated 28.04.2025 from the respondent no. 3 who again directed the writ petitioner to pay 50 percent of the annual sand premium by 07.05.2025.
8. It is the further case of the writ petitioner that upon receipt of such letter when the writ petitioner again visited the said sand block, he was again resisted by the recorded Rayats of plot no. 601 for which the writ

petitioner made a correspondence with the respondent no. 3 on 07.05.2025.

9. It is the further case of the writ petitioner that by issuing a letter dated 08.05.2025 the respondent no. 4 asked the writ petitioner to remain present in his office on 21.05.2025 at 4.00 p.m. for explaining the delay in making payment as called for. It is the further case of the writ petitioner that before the respondent no. 4/authority the writ petitioner ventilated his grievance verbally.
10. It is submitted before this Court that without giving any adherence to the representation of the writ petitioner and/or the grievance and/or difficulty of the writ petitioner the respondent no. 3 most unilaterally issued the memo dated 09.06.2024 terminating empanelment of the writ petitioner, black listing the writ petitioner and forfeiting the earnest money as deposited by the writ petitioner.
11. On being asked Mr. Saha, learned Advocate appearing on behalf of the respondent nos. 2 to 4 has handed over a copy of the memo dated 24.04.2025 as issued by the respondent no. 6/authority to the respondent no. 4. With the said memo dated 24.04.2025 a report dated 21.04.2025 of the jurisdictional BL&LRO was enclosed including some Record of Rights in respect of plot nos. 1569, 1573, 1574, 1576, 1579, 1580, 1606 and 1608 of the self-same mouza.
12. On careful perusal of the aforementioned memo dated 24.04.2025 it does not transpire to this Court that on

behalf of the respondent nos. 2 to 4 any material could be placed indicating that plot no. 601 does not fall within the periphery of the river bed of Damodar which is subject matter of the instant litigation and on the contrary from page no. 102 of the instant writ petition being a copy of the printout dated 09.06.2025 (at 03.07 p.m.) it would reveal that portions of the plot no. 601 is recorded in Khatian nos. 156, 230 and 393 in the names of three separate Rayats.

13. It thus appears to this Court that as on today no material could be placed before this Court on behalf of the respondent nos. 2 to 4 to indicating that the said river bed does not cover the plot no. 601 either fully or in-part.
14. On being asked by this Court, Mr. Saha, learned Advocate appearing on behalf of the respondent nos. 2 to 4 and Mr. Ganguly, learned Advocate appearing on behalf of the respondents/State could not apprise this Court as to whether on receipt of several representations of the writ petitioner any endeavor has been made either by the respondent nos. 2 to 4 or by the respondents/State and its functionaries to make a field verification and/or demarcation report.
15. In view of such, this Court finds sufficient merit in the submission of Mr. Basu that while issuing the memo dated 09.06.2024 the grievance of the writ petitioner was not properly addressed and/or principle of natural justice has not been followed.

16. In view of such, this Court while disposing the instant writ petition issues a writ of mandamus thereby cancelling and/or rescinding the memo dated 09.06.2024 subsequently corrected with memo dated 09.06.2025 as issued by the respondent no. 3/authority with immediate effect.
17. This Court further directs the jurisdictional BL&LRO to make field verification after securing prior service of notices upon the respondent no. 4 and the writ petitioner and to submit his demarcation report with the respondent no. 3 through the respondent no. 6 positively within 45 working days from the date of communication of the server copy of this order.
18. The respondent no. 3/authority on receipt of such notice shall consider the representations of the writ petitioner in accordance with law on the basis of such demarcation report securing prior service of notices upon the writ petitioner and the respondent no. 4 and after giving them and/or their authorized representatives an opportunity of hearing shall pass a reasoned order on the representations of the writ petitioner and shall communicate its decision both to the writ petitioner and the respondent no. 4 forthwith preferably by mail, if the mail details of the writ petitioner and the respondent no. 4/authority are provided to him at the time of hearing.
19. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 3/authority within 45 working days from the date of

receipt of the report from the jurisdictional BL&LRO through respondent no. 6.

20. It is further directed that in the event the respondent no. 3 finds no merit in the representation of the writ petitioner while passing the said reasoned order it will give 15 working days time to the writ petitioner to deposit the 50 percent annual sand premium and in the event of failure of such deposit by the writ petitioner, the respondent no. 3/authority will be at liberty to take appropriate steps in accordance with law.

21. The time limits as fixed by this Court are mandatory and peremptory.

22. Liberty is given to the learned Advocate-on-Record of the writ petitioner to communicate the server copy of this order to the respondent nos. 3, 4 and 6.

23. The respondent no. 4/authority is hereby directed to communicate the server copy of this order to the jurisdictional BL&LRO for his immediate compliance.

24. With the aforementioned observation, the instant writ petition being WPA 12781 of 2025 is disposed of.

25. 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.)