

Court No. 2  
**09.01.2025**  
(Item No. 8)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 14290 of 2024**

Mainuddin Ahammad  
VS  
The State of West Bengal & Ors.

Mr. Kallol Basu  
Ms. Nibedita Chakraborty  
Mr. Samik Sarkar  
.... For the petitioner  
Mr. Chandi Charan De, Id. Add. Govt. Pleader  
Mr. Anirban Sarkar  
.... For the State respondents  
Mr. Sanjay Saha  
Mr. Raju Mondal  
.... For added respondent No. 7  
Mr. Subhendu Roychoudhury  
Ms. Shila Chatterjee  
.... For private respondent

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

Mr. Kallol Basu, learned counsel appears for  
the petitioner.

Mr. Chandi Charan De, learned Additional  
Government Pleader appears for respondent Nos. 1 to  
5.

Mr. Subhendu Roychoudhury, learned counsel  
appears for respondent No. 6.

Mr. Sanjay Saha, learned counsel appears for  
added respondent No. 7.

The petitioner claims to be the legal heir of one  
**Firoz Alam (since deceased)**. By virtue of a mining  
lease dated **October 30, 2021, annexure P-2** at **page**

**21** to the writ petition, the deceased was granted a mining lease in respect of the subject sand block. The currency of the lease was for **five years**. Before the lease has expired the deceased lessee died on **January 27, 2023**. The legal heir applied for transfer of lease in its favour by recording his name through an application dated **October 30, 2023, annexure P-5** at **page 74** to the writ petition as the son of the deceased lessee. The issue was considered by the respondent No. 3 when orders were passed on **February 16, 2024** and **February 27, 2024** at **pages 87 and 88** to the writ petition, which are impugned herein.

In course of the hearing before the respondent No. 3 the step-mother of the petitioner, private respondent No. 6 herein was also present and was heard. The impugned decision was that the respondent No. 3 was of the opinion that the relevant department of the State as mentioned in the impugned order dated **February 27, 2024** shall be at liberty to determine the stakeholder in place of the said deceased Firoz Alam for continuation of the work of extraction of the sand from the said sand block as per the notification of the State in the official gazette dated **January 25, 2022**.

The previous order dated December 17, 2024 speaks for itself.

However, upon instruction being obtained by Mr. Chandi Charan De, learned Additional Government Pleader, he submits that, if the petitioner submits necessary application before the respondent No. 3 the same can be considered in view of the prevailing State policy and in accordance with law.

Mr. Sanjay Saha, learned counsel appearing for the added respondent No. 7 also submits in the same tune as submitted by the learned Additional Government Pleader.

After considering the submissions made on behalf of the parties, this Court is of the view that, the impugned order dated **February 27, 2024** is not required to be interfered with specifically as the same also speaks for further consideration in view of the prevailing State policy.

Accordingly, the petitioner shall be at liberty to submit necessary application before the respondent No. 3 within a period of **two weeks** from date.

In the event, such application is filed by the petitioner, the respondent No. 3 upon issuing a prior hearing notice of at least seven days to both the petitioner and the private respondent No. 6 (the step-mother) and after granting them an opportunity of hearing shall dispose of the said representation by passing a reasoned order in accordance with law.

It is needless to mention that the private respondent No. 6 shall also be at liberty to file a written version before the respondent No. 3 within the said period of **two weeks** as directed herein.

The entire exercise shall be carried out and completed by the respondent No. 3 positively within a period of **six weeks** from the date of receiving the application from the petitioner and the reasoned order shall be communicated to the petitioner and the private respondent No. 6 within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the rival contentions of the petitioner and the private respondent No. 6 (step-mother) and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 3.

In the event, the reasoned order goes in favour of the parties then the appropriate State authority shall give an immediate effect thereto but positively within a period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity either in favour of the petitioner or in favour of the respondent No. 6 if they do not

succeed to their respective claims before the respondent No. 3 strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 14290 of 2024** stands **disposed of**, without any order as to costs.

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

**(Aniruddha Roy, J.)**