

S/L 14
05.08.2025
Court. No. 19
Sourav

WPA 13498 of 2025

**Rahul Maji
Vs.
State of West Bengal & Ors.**

*Mr. Supratim Dhar, Sr. Adv.
Mr. Bratin Kumar Dey
Mr. Kunal Ganguly
Mr. Kaustav Banerjee*

...for the petitioner.

*Mr. Mrinal Kanti Ghosh
Mr. Srikanta Paul*

...for the State.

1. The parties to the instant writ petition are represented by their respective learned advocates.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities commanding them not to interfere with the business of the writ petitioner with a further prayer not to interfere with the stacking of sand over the place of business of the writ petitioner.
3. In course of hearing, Mr. Dhar, learned Senior Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to the various annexures of the instant writ petition. It is submitted by Mr. Dhar that from the said annexures, it would reveal that the writ petitioner being the proprietor of M/s. R. B. and Sons Transport deals with filtered sand by way of sand gradation and processing the raw sand as supplied to him and thereafter, he used to supply such processed sand as per different gradation to his different purchasers.

4. It is submitted further that on conjoint perusal of the entire annexures as have been annexed with the instant writ petition, it would reveal that the writ petitioner is holding all valid licences for carrying on his business and materials have been placed before this Court that the writ petitioner after obtaining purchase orders from his customers used to supply the processed sand as per gradation to those customers and those processed sand are sent to the concerned consignees through road by issuing e-challan.
5. It is submitted that despite holding all licence from the concerned authorities, the respondents/authorities more specifically, the respondent nos. 4 and 6 are continuously visiting the factory premises of the writ petitioner and causing hindrance in carrying on business of the writ petitioner violating the writ petitioner's fundamental right as enshrined in Article 19(1)(g) of the Constitution of India. It is thus submitted by Mr. Dhar that appropriate writ/writs may be issued against the respondents/authorities in terms of the prayers made in the instant writ petition.
6. Per contra, Mr. Ghosh, learned advocate appearing on behalf of the respondent/State submits before this Court upon instruction that the writ petitioner has not obtained any permission for staging sand in his workshop in terms of the provisions of Section 4(1A) of Mines and Minerals (Development and Regulations) Act, 1957.

7. In course of his submission, learned advocate for the respondent/State submits before this Court that no materials have been placed before this Court that the respondents/authorities have caused any hindrance to the writ petitioner in carrying on his business as wrongly alleged.
8. On being asked by this Court, learned advocate for the State, however, could not enlighten this Court as to whether the respondent no. 6/authority has at all issued any notice to the writ petitioner for taking appropriate steps for obtaining permission for stacking of sand as alleged.
9. Considering the entire materials as placed before this Court and also considering the rival submissions of the learned advocates for the contending parties, this Court finds that the respondents/authorities have failed to place any document to substantiate that the writ petitioner is carrying on his business either not in accordance with law and/or contrary to the law.
10. Since the alleged action/actions of the respondents/authorities more specifically, of the respondent nos. 4 and 6 are violative of the fundamental right as enshrined under Article 19(1)(g) of the Constitution of India, this Court while disposing the instant writ petition directs the respondent nos. 4 and 6 not to interfere and/or not to cause obstruction to the writ petitioner in carrying on his business in the name and style of 'M/s. R. B. And Sons Transport' henceforth.

11. It is, however, made clear that this order will not prevent the respondents/authorities to take appropriate legal steps, if there be any against the writ petitioner in the event such respondents/authorities find it necessary to do so in accordance with law noticing violation of statutory regulations on the part of the writ petitioner.
12. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent nos. 4 and 6/authorities.
13. The respondent nos. 4 and 6/authorities are hereby directed to act on the server copy of this order.
14. With the aforementioned observation, the instant writ petition being **WPA 13498 of 2025** is disposed of.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)