

S/L 5
21.04.2025
Court. No. 19
Sourav

WPA 15476 of 2023

Captain Mir
Vs.
The State of West Bengal & Ors.

Mr. Kishore Mukherjee
Mr. Ahitagni Dey

...for the petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Adv.
Mr. Priyabrata Batabyal

...for the State.

1. The affidavit-of-service as filed in Court today is taken on record.
2. In course of hearing, learned advocate for the writ petitioner at the very outset draws attention of this Court to Page No. 14 of the instant writ petition being a copy of the application dated 07.09.2012 as submitted by the writ petitioner with the Secretary to the Government of West Bengal, Commerce and Industries Department for extraction of black stone.
3. Drawing attention to Page Nos. 17 to 22 of the instant writ petition, it is submitted that pursuant to such application, query permit for extraction of minor minerals have been granted. It is submitted that subsequently, the writ petitioner was not permitted to extract the black stone from the land over which permission was granted and for which an appropriate writ may be issued for considering the aforesaid application in accordance with law.

4. Per contra, Mr. Bandyopadhyay, learned advocate appearing on behalf of the respondents/authorities submits before this Court that from Page Nos. 17 to 22, it would reveal that the short term permit expired long back and in the meantime, the relevant rules have been changed. It is further submitted by Mr. Bandyopadhyaya that at present as per the prevailing rule, even short term query permit is being given by open auctions.
5. Considering the rival submissions of the respective parties, this Court finds no justification in allowing the prayer as made in the instant writ petition in view of the change of rules of grant of short term lease for extraction of minor minerals. However liberty is given to the writ petitioner to participate in the auction proceeding if so advised.
6. With the aforementioned observations, the instant writ petition being **WPA 15476 of 2023** is disposed of.
7. 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.)