

M/L 22
04.08.2025
Court. No. 19
Suwayan

WPA 15781 of 2025

**S. G. Projects Limited
Vs.
The State of West Bengal & Ors.**

*Mr. Asoke Kumar Banerjee, Sr. Adv.
Mr. Arijit Dey*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Ms. Payel Mitra*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent nos. 2 and 3.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The subject matter of the instant writ petition is the Order No. 3 dated 12.06.2025 as passed by the respondent no. 5/authority in Misc. Case No. 04 of 2025 whereby and whereunder the respondent no. 5/authority declined to consider the representation of the writ petitioner for extension of period of lease as has been executed in favour of the writ petitioner that is for the period for which the writ petitioner was allegedly prevented by the respondents/authorities from carrying out the work of excavation of sand from the river bed in terms of the deed of lease as executed in his favour.
3. At the time of hearing Mr. Banerjee, learned Senior Advocate duly assisted by Mr. Dey, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos. 124 to

128 of the instant writ petition being a copy of the order dated 28.04.2025 as passed by this Court in WPA 30742 of 2024 (S. G. Projects Private Limited vs. The State of West Bengal and Others).

4. It is submitted by Mr. Banerjee that while disposing the said writ petition this Court set aside the earlier order dated 19.11.2024 as passed by the respondent no. 5/authority herein with a direction to the respondent no. 5/authority to give an opportunity of hearing to the present writ petitioner and/or his legal representative and thereafter to pass a reasoned order in writing.
5. It is further submitted by Mr. Banerjee that in paragraph no. 13 of the said order dated 28.04.2025 this Court while disposing the said WPA 30742 of 2024 granted liberty to the present writ petitioner to file his written objection against the joint report dated 11.12.2020 before the respondent no. 5/authority prior to commencement of hearing and the respondent no. 5 was directed to give due adherence to such written objection while passing the reasoned order.
6. In course of his argument Mr. Banerjee further draws attention of this Court to page nos. 134 to 140 of the instant writ petition being a copy of the written objection as filed by the writ petitioner with the respondent no. 5/authority prior to commencement of hearing as directed by this Court.
7. Drawing attention to page nos. 158 to 166 of the instant writ petition being a copy of the order under challenge it is submitted by Mr. Banerjee that the respondent no.

5/authority had passed the said reasoned order under challenge in complete disregard to the earlier order dated 28.04.2025 as passed by this Court in WPA 30742 of 2024 inasmuch as in the said order under challenge the District Magistrate, Bankura that is the respondent no. 5/authority herein made no endeavor to deal with the written objection of the writ petitioner though the same was directed to be considered by this Court by order dated 28.04.2025. It is thus submitted that the respondent no. 5/authority has deliberately flouted the order dated 28.04.2025 and, therefore, this Court must not be hesitant to exercise its plenary power in quashing the order under challenge.

8. Mr. Banerjee thus submits before this Court that it is a fit case for granting reliefs as prayed for in the instant writ petition.
9. Per contra Mr. De, learned AGP appearing on behalf of the respondent/State and its instrumentalities at the very outset draws attention of this Court to Rule 51 of the West Bengal Minor Mineral Concession Rules, 2016 (hereinafter referred to as the 'said Rules of 2016' in short).
10. It is submitted by Mr. De that Rule 51 (2) of the said Rules of 2016 clearly mandates that in the event any person is aggrieved by an order made by the District authority remedy lies to him to prefer an appeal before the jurisdictional Divisional Commissioner. It is thus submitted by Mr. De that in view of the availability of the alternative efficacious statutory remedy this Court

must be very slow in exercising the writ jurisdiction of this Court.

11. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, it appears to this Court that admittedly while disposing WPA 30742 of 2024 on 28.04.2025 this Court while setting aside the order under challenge therein granted liberty to the writ petitioner to file his written objection against the joint report dated 11.12.2020 before the respondent no. 5/authority.
12. As rightly pointed out by Mr. Banerjee this Court by the self-same order directed the respondent no. 5/authority to pass a reasoned order on the representation of the writ petitioner after giving due adherence to the written objection as would be filed on behalf of the writ petitioner.
13. Undisputedly, in compliance of the order dated 28.04.2025 in WPA 30742 of 2024 a written objection was filed with the respondent no. 5/authority by the present writ petitioner.
14. On careful consideration of the order under challenge dated 12.06.2025 it appears to this Court that the respondent no. 5/authority while passing the said reasoned order dated 12.06.2025 though considered all the pros and cons of the report on the basis of the joint raid programme dated 11.08.2020 as well as the other factual aspects, however, the respondent no. 5/authority made no whisper at all as to why he finds

no merit in the written objection as submitted by the writ petitioner. In fact, this Court has noticed that while passing the order under challenge dated 12.06.2025 the respondent no. 5/authority has not at all dealt with such written objection as filed by the writ petitioner.

15. This Court thus considers that the respondent no. 5/authority while passing the order under challenge dated 12.06.2025 has acted contrary to the direction dated 28.04.2025 as passed in WPA 30742 of 2024; more specifically in respect of the direction containing paragraph no. 13 thereof.

16. Admittedly, the writ petitioner has an alternative remedy in preferring an appeal before the Divisional Commissioner, however, since substantial materials have been placed on behalf of the writ petitioner that the respondent no. 5/authority had acted in complete defiance of the order of this Court, this Court cannot sit ideal over the matter while sitting in a writ jurisdiction keeping in mind that the power of a writ court is highly prerogative in nature and the same cannot be restricted even by any statute.

17. This Court thus finds sufficient merit in the instant writ petition.

18. Consequently, WPA 15781 of 2025 is hereby allowed.

19. Consequently, the order under challenge dated 12.06.2025 as passed by the respondent no. 5/authority is once again set aside.

20. The respondent no. 5/authority is once again directed to give fresh opportunity of hearing to the writ petitioner and/or his legal representative and after giving due adherence to the written objection as already filed by the writ petitioner against the joint report dated 11.12.2020 shall pass a reasoned order in writing and shall forthwith communicate the same to the writ petitioner preferably by mail, if the mail details of the writ petitioner is provided to him at the time of hearing.
21. It made clear that the entire exercise as indicated in the foregoing paragraph is to be completed within 15 working days from the date of communication of the server copy of this order.
22. It is further made clear that in the event while passing the reasoned order the respondent no. 5/authority fails to comply with the direction as passed by this Court, this Court shall have no other alternative but to initiate a *suo moto* contempt proceeding against the respondent no. 5/authority.
23. 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. 5.
24. The respondent no. 5 is directed to act on the basis of the server copy of this order.
25. With the aforementioned observation, the instant writ petition is disposed of.

26. 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.)