

S/L 3
14.11.2025
Court. No. 25
suvayan

WPA 15842 of 2025

Shri Bhajan Dutta
Vs.
State of West Bengal & Ors.

Mr. Pratick Chandra Das

...for the petitioner.

Mr. Amal Kr. Sen, AAG
Mr. Shamim Ul Bari
Ms. Taniya Basak

...for the State.

1. The report filed by the learned counsel for the State be kept with the record.
2. The petitioner has filed the present writ application praying for quashing of setting aside the impugned letter dated June 23, 2025 issued by Block Land and Land Reforms Officer, Goghat-II, Hooghly on the allegation of carrying overload sand above the permitted quantity in the vehicle of the petitioner being vehicle no. WB 67C 2292 and e-challan has been blocked by the authorities.
3. The petitioner has made a representation to the authorities but the authorities are not considered the same till date. The petitioner submits that before blocking the e-challan no opportunity of hearing was given to the petitioner due to which the petitioner is facing difficulties.
4. The petitioner had relied upon the order passed by the co-ordinate Bench of this Court in the case of *Abul Kasem Ali Saha vs. The State of West Bengal & Ors.* in *WPA 11177 of 2025* dated September 12, 2025 and submits that in the similar circumstances the co-ordinate

Bench of this Court has passed an order directing the authority to give an opportunity of hearing to the petitioner and to pass a reasoned order.

5. Learned counsel for the petitioner submits that if the similar order is passed, the petitioner will be satisfied.
6. Learned counsel appearing for the State has submitted that on May 15, 2025 a raid was conducted from 10.00 p.m. onwards near Bengai More within the jurisdiction of the said Block and during the checking at about 12.02 a.m. on May 16, 2025 the vehicle of the petitioner was stopped and on checking it was found that the vehicle was carrying 901.12 c.ft. i.e. 200 c.ft. was more than permitted quantum. The said act is against the Sub-Rule 4 of Rule 5 of West Bengal Minerals (Prevention of Illegal Mining Transportation and Storage) Rules, 2002.
7. This Court finds that the grievance of the petitioner is that e-challan has been blocked due to which the petitioner is facing difficulties. This Court also finds that the similar circumstances the co-ordinate Bench has passed an order directing the authority to consider the case by giving opportunity of hearing. It is the specific case of the petitioner that no hearing was given to the petitioner before the blocking of e-challan.
8. Accordingly, the present writ application is disposed of by directing the following extent:
 - a) Blocking of the e-challan generation facility as imposed by the respondents would remain limited to a period of 15 working days from the date of communication of this order.

- b) Within the said period of 15 working days, the Additional District Magistrate and District Land and Land Reforms Officer, Bankura shall afford an opportunity of hearing to the petitioner and pass a reasoned order, strictly in accordance with law after considering the writ petitioner's contention. Needless to mention that the petitioner shall be entitled to present their case in writing.
- c) It is clarified that if the Additional District Magistrate and District Land and Land Reforms Officer, Bankura is not satisfied with the writ petitioner's submissions/contentions, the said authority shall be free to continue the blocking of the e-challan facility in respect of the petitioner's vehicle and/or impose fine upon the petitioner, as may be permissible in law.
9. Though the instant writ petition is disposed of without calling of the affidavits, all the allegations made therein are deemed to have been denied.
10. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)