

S/L 1
05.08.2025
Court. No. 19
Suwayan

WPA 16435 of 2023

**Ghosh Infrastructure Private Ltd.
Vs.
The State of West Bengal & Ors.**

*Mr. Pallav Chatterjee
Mr. Monajit Chakraborti*

...for the petitioner.

*Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 2.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The parties to the instant writ petition are represented by their respective Counsels.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 4 commanding him to take appropriate steps for extension of mining lease in respect of Plot no. 385(P) and others, J.L. no. 80, Mouza – Srirampur, area 7.06 acres (2.86 hectares) under Police Station – Bardhaman, District – Purba Bardhaman in terms of petitioner's application for extension of mining lease dated 20.03.2022.
4. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveal that a mining lease for excavation of sand from the river bed

of the aforementioned plots of land was executed in favour of the writ petitioner on 25.02.2021, however, the said lease was registered on 18.06.2024.

5. Admittedly the said lease was for a period of five years from the date of registration.
6. Materials have been placed before this Court that for some reason or other the respondents/authorities have handed over the possession of the leased out area for the purpose of sand mining on 27.04.2022.
7. Since the writ petitioner was deprived for excavating sand on and from the day of registration of the said deed of lease the writ petitioner approached the respondents/authorities for extension of the period of the said deed of lease on the ground that the writ petitioner obtained possession of the leased out land on 27.04.2022 which was, however, not adhered to.
8. This Court finds sufficient justification in the prayer of the writ petitioner inasmuch as though the said deed of lease was registered on 18.06.2021, however, the possession of the leased out area of the said land was given to him on 27.04.2022. In view of such, the period of five years of the term of lease ought to have been counted from 27.04.2022 that is from the date of possession but not from the date of registration that is on 18.06.2021.
9. In view of the observation made hereinabove the respondent no. 3/authority is hereby directed to communicate the writ petitioner in writing that for the purpose of counting the period of lease that is for five

years that would be started not from the date of registration of the said deed of lease but from the date of handing over the possession of the leased out area of the land in favour of the writ petitioner that is from 27.04.2022 ending with 26.04.2027 and such communication is to be made to the writ petitioner within 15 working days from the date of communication of the server copy of this order.

10. 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. 3/authority.
11. The respondent no. 3/authority is directed to act on the basis of the server copy of this order.
12. The time limit as fixed by this Court is mandatory and peremptory.
13. With the aforementioned observation, the instant writ petition being WPA 16435 of 2023 is disposed of.
14. 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.)