

N.22Sl
151/CL

WPA 17012 of 2025

28.08.2025
SL-10
Ct.19
(S.R.)

Anil Kumar
-vs-
State of West Bengal & Ors.

Mr. Pratip Mukherjee
Mr. Aditya Chakraborty
Mr. Triptimoy Talukder ... for the petitioner.

Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha ... for the State.

1. 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 nos.2 and 3 commanding them for revoking and/or setting aside the order of suspension dated 2nd July, 2025, a copy of which has been annexed at page no.78 of the instant writ petition.
2. At the time of hearing, Mr. Mukherjee at the very outset draws attention of this Court to page no.76 of the instant writ petition, being a copy of the show-cause notice dated 19th June, 2025 issued by the respondent no.3/authority. It is submitted that pursuant to such show-cause notice, the writ petitioner has given a reply to the respondent no.3/authority on 24th June, 2025, a copy of which has also been annexed at page no.77.
3. It is submitted by Mr. Mukherjee that it is the

grievance of the writ petitioner that without taking any decision over the reply dated 24th June, 2025, the respondent no.3/authority must unilaterally passed the order of suspension dated 2nd July, 2025, which causes serious pecuniary losses and damages to the writ petitioner, since on account of such order of suspension, the writ petitioner is prohibited from excavating sand from the lease hold area as has been granted in favour of the writ petitioner by execution of a registered deed of lease.

4. At this juncture, Mr. Mukherjee took me to page no.52 of the instant writ petition, being Part IX of the registered deed of lease as has been executed in favour of the writ petitioner. It is submitted by Mr. Mukherjee that Clause 3 of Part XI of the said registered deed of lease clearly mandates that the lessor being the respondent/State shall give notice in writing to the lessee to remedy the alleged breach within thirty days from the date of notice and, in the event, such breach is not remedied within such period, the State Government may determine the lease.
5. It is submitted by Mr. Mukherjee that in utter violation of the said Clause of the registered deed of lease, the impugned notice of suspension dated 2nd July, 2025 was issued and, therefore, there cannot be any predicament on the part of this Court to

grant relief/reliefs to the writ petitioner, as prayed for.

6. Such contention is, however, opposed by Mr. Dhar, learned senior advocate appearing in virtual mode and duly assisted by Ms. Tuli Sinha, learned advocate appearing for the State.
7. It is submitted by Mr. Dhar that by no stretch of imagination it can be said that the order of suspension dated 2nd July, 2025 is illegal, in view of the fact that in his reply dated 24th June, 2025, the writ petitioner has practically admitted that he has excavated sand beyond the lease out area.
8. Such contention is vehemently opposed by Mr. Mukherjee.
9. On careful perusal of the materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court at the very outset proposes to look into the provisions of Rule 50 of the West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as the said “Rules of 2016”, in short).
10. Rule 50 of the said Rules of 2016 is quoted under: -

“ 50. Penalty – (1)

(2).....

(3).....

(4).....

(5) Whenever any person removes, without any

lawful authority, any mineral from any land, the State Government or the authority authorised in this behalf by the State Government may recover from such person the mineral so removed or where such minerals has already been disposed of, the price thereof, and may also recover from such person the rent, royalty or tax, as the case may be, for such period during which the land was occupied by such person without any lawful authority.”

11. Keeping in mind the aforementioned legislative provisions, if I look to the factual aspect of this case, it reveals that it is the specific case of the respondent/State instrumentally that the writ petitioner illegally excavated the sand beyond the lease hold area, which is why a notice to show cause was issued on 19th June, 2025 upon the writ petitioner, which was replied to on 24th June, 2025.
12. This Court has meticulously perused the reply dated 24th June, 2025 as submitted by the writ petitioner with the respondent no.3/authority.
13. It appears to this Court that immediately after receipt of such reply the respondent no.3/authority issued the order of suspension dated 2nd July, 2025, which is impugned in this writ petition.
14. Admittedly, on account of such suspension order, the writ petitioner is suffering pecuniary loss.
15. In view of such, this Court while disposing the instant writ petition directs the respondent

no.3/authority to take appropriate decision over the reply dated 24th June, 2025 pursuant to the show-cause notice dated 19th June, 2025 and after giving an opportunity of hearing to the writ petitioner and/or his authorized representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner preferably through mail, if the email details of the writ petitioner is provided to him at the time of hearing.

16. The entire exercise, as indicated hereinabove, is to be completed by the respondent no.3/authority within fifteen working days from the date of communication of the server copy of this order.
17. 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.
18. The time limit, as fixed by this Court, is mandatory and peremptory.
19. It is further made clear that till passing of the reasoned order by the respondent no.3/authority, as indicted hereinabove, the impugned order of suspension dated 2nd July, 2025 shall remain in force and, in the event, no reasoned order is passed within the stipulated time, as fixed by this Court, the order of suspension dated 2nd July, 2025 shall automatically stand vacated.
20. It is made clear that the observations made

hereinabove is purely limited for disposal of the instant writ petition and the respondent no.3/authority while passing the reasoned order will be at liberty to take any appropriate decision, in accordance with law, without being influenced by any of the observation made hereinabove.

21. With the aforementioned observations, WPA 17012 of 2025 is disposed of.
22. There shall, however, be no order as to costs.
23. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)