

S/L 9
25.09.2025
Court. No. 19
Suwayan

WPA 20075 of 2025

**Kamal Kumar Ghosh
Vs.
The State of West Bengal & Ors.**

*Mr. Pallav Chatterjee
Mr. Monajit Chakraborti*

...for the petitioner.

*Mr. Supratim Dhar, Sr. Adv.
Mr. Ramchandra Guchhait*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 7.

1. The writ petitioner, the respondents/State and the respondent no. 7 are represented by their respective Counsels.
2. On behalf of the respondents/State a report dated NIL as prepared by the respondent no. 3 is filed and the same is taken on record.
3. The subject matter of the instant writ petition is non-consideration of the representation dated 15.07.2025 and the request for review of the mining plan in respect of the sand block JAMALPUR/DADPUR/443(P)/D in Mouza – Dadpur, J.L. no. 09, Plot no. 443(P) under P.S. – Jamalpur with a proposed area of 1.79 acres (0.72 hectares) in connection with Auction ID – 2018_WB_1187 as has been received by the office of the respondent no. 3/authority on 25.07.2025.
4. By filing the representation dated 15.07.2025 the writ petitioner requested the respondent no. 3/authority to

modify the geo co-ordinate of the sand block to the nearest potential zone.

5. By submitting the representation dated 25.07.2025 the writ petitioner again requested the respondent no. 3/authority to renew the mining plan as aforesaid.
6. At the time of hearing Mr. Chakraborti, learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page nos. 76 to 78 of the instant writ petition being a copy of the order dated 20.06.2025 as passed by this Court in WPA 12116 of 2023 wherefrom it reveals that while disposing the said writ petition this Court granted liberty to the writ petitioner to approach SEIAA for grant of environmental clearance certificate upon compliance of all formalities.
7. It is submitted by Mr. Chakraborti that for due compliance of the formalities the writ petitioner has approached the respondent no. 3/authority with a prayer for change of geo co-ordinate of the sand block to the nearest potential zone and with a further request to review the mining plan in respect of the aforementioned sand block.
8. It is submitted by Mr. Chakraborti that it is the grievance of the writ petitioner that for non-consideration of the said two representations the writ petitioner was practically prevented by the respondent no. 3/authority from approaching SEIAA pursuant to the direction of this Court as passed on 20.06.2025 in WPA 12116 of 2023.

9. It is thus submitted by Mr. Chakraborti that it is a fit case commanding the respondent no. 3/authority to allow the prayer as made by the writ petitioner under cover of the said two representations.
10. *Per contra*, Mr. Guchhait, learned Advocate duly led by Mr. Dhar, learned Senior Advocate appearing on behalf of the respondents/State at the very outset draws attention of this Court to the report as filed today by the respondent no. 3/authority. It is submitted by Mr. Guchhait that from the report of the respondent no. 3/authority it would reveal that under cover of the representation dated 15.07.2025 the writ petitioner has practically prayed for modification of the sand block which is not at all permissible in view of the fact that in the event the writ petitioner has got any dispute with DSR he could approach the appropriate authority for review of the DSR.
11. it is further submitted by Mr. Guchhait that from the report it would reveal that the auction where the writ petitioner was participated was held on 02.11.2018 and the DSR was prepared in the month of 2023 that is after more than four years and, therefore, there is every possibility of change of the course of river and/or availability of mineral reserve. It is further submitted by Mr. Guchhait that in such a case the writ petitioner has only option to apply for review of DSR or apply for alternative mining plan revising its geo co-ordinates without changing the plots.

12. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court finds sufficient justification in the submission of Mr. Guchhait in view of the fact that West Bengal Minor Mineral Concession Rules, 2016 (hereinafter referred to as the 'said Rule of 2016' in short) does not contain any provision for change of mining plot as has been prayed for by the writ petitioner under cover of his representation dated 15.07.2025.
13. In view of the factual circumstances as discussed hereinabove, this Court while dismissing the instant writ petition grants liberty to the writ petitioner to approach the respondent no. 3/authority to take refund 1/3 of the bid amount as has been deposited by the writ petitioner and in case such prayer is made, the respondent no. 3 is directed to refund the 1/3 of the bid amount together with interest at the rate of 6% per annum to the writ petitioner positively within a period 30 working days from the date of making such approach.
14. With the aforementioned observation, WPA 20075 of 2025 is hereby dismissed.
15. However, there shall be no order as to costs.
16. 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.)