

Sl.16
27.11.2025
Court No.19
BP

WPA 21282 of 2022

Pradip Arora
-versus-
The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury
..for the petitioner

Mr. Sanjay Saha
Mr. Raju Mondal
..for the WBMDTC Ltd.

Mr. Ashim Kumar Ganguly, Ld. AGP
Mr. Tarak Karan
Mr. Subrata Dasgupta
..for the State

It has been pointed out that in the order dated November 25, 2025 the year of the writ petition was wrongly recorded in the cause title of the said order. The year of the writ petition was wrongly recorded as “2025” instead of “2022”. Let such error be rectified.

The petitioner claims that though the possession of the demised property was handed over to the petitioner on 12th February, 2019 but the petitioner could not carry out the mining activity for a substantial period of time on the account of resistance by the local people. The petitioner claims to have submitted the representation dated 8th April, 2019 before the concerned Block Land and Land Reforms Officer highlighting the fact that the petitioner could not carry out the mining activity. The petitioner claims to have submitted several representations thereafter before various authorities including the

representation dated 26th February, 2021 addressed to the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur. The grievance of the petitioner is that the Additional District Magistrate did not take any decision on the representation of the petitioner.

Mr. Ganguly, learned Additional Government Pleader submits that several hearing notices were issued to the petitioner requesting the petitioner to attend the hearing but the petitioner refused to attend the hearing on any of the hearing dates. He submits that there was no inaction on the part of the Additional District Magistrate. He submits that in the meantime the policy relating to sand mining has undergone a sea change on and from January, 2022. He submits that the Additional District Magistrate is not competent to take any further decision on the representation made by the petitioner.

The learned advocate appearing for the West Bengal Mineral Development and Trading Corporation submits that since the dispute pertains to a period prior to the coming into effect of the 2021 policy, the Corporation cannot take any decision on such issue.

In reply, the learned advocate appearing for the petitioner submits that on several occasions the petitioner attended the hearing but on one occasion the petitioner could attend for unavoidable reason and the reasons

therefor was duly communicated to the concerned authority.

Heard the learned advocates for the parties and perused the materials placed.

Though the petitioner alleges that he attended the hearing on several occasions but such submission is disputed by the learned advocate representing the State.

Be that as it may, a representation was submitted by the petitioner before the Additional District Magistrate praying for extension of the lease period and to allow the petitioner to undertake the mining activities. No decision appears to have been communicated to the petitioner on such issue.

This Court is, therefore, of the considered view that the interest of justice would be sub-served if the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur being the 5th respondent is directed to consider the representation dated 20th March, 2021 and to dispose of the same as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with the copy of the representation dated 20th March, 2021 which is annexed at page 110 of the writ petition.

It will be open to the petitioner to place any rules, orders of court in support of his contention that the Additional District Magistrate is competent to take a

decision with regard to the issues raised in the said representation. In the event the authority is of the opinion that such authority lacks jurisdiction to decide the said issue the reasons therefor are to be disclosed in the order passed by such authority.

It will be open to 5th respondent to take the approval of higher authority in case the same is necessary for consideration of the prayer of the petitioner.

Needless to mention that an opportunity of hearing shall be provided to the petitioner or his authorized representative before passing a final order on the issues raised in the aforesaid representation.

With the above observations and directions, WPA 21282 of 2022 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)