

Court No. 19

(265719)

12.11.2025

(AD 11)

(S. Banerjee)

WPA 25170 of 2025

M/s. Triumph Sales and Services

Vs.

The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury

...for the petitioner

Mr. Jayanta Samanta

Mr. Supriyo Mazumder

...for the State

Mr. Sanjay Saha

Mr. Raju Mondal

...for the respondent no. 5

Affidavit of service filed in Court today, is taken on record.

The petitioner participated in the process of e-auction called by the District Committee for Competitive Bidding of Minor Mineral, Paschim Medinipure vide notice inviting tender dated July 4, 2017 for grant of mining lease of sand in respect of sand block situated in the river bed of Subarnarekha river covering area of 3.60 hectares. The petitioner became the successful bidder and mining lease of minor minerals was executed by and between the Governor, State of West Bengal and the petitioner on February 10, 2018. The said lease was valid for a period of five years. During the subsistence of the

said mining lease a dispute cropped up with regard to the demarcation of interstate boundaries before the National Green Tribunal, Principal Bench, New Delhi and the learned Tribunal by an order dated September 4, 2018 passed several directions to the State of West Bengal and Odisha to demarcate the boundaries for regulating the grant of sand mining lease within the time limit as indicated in the said order with a further direction that no mining lease of minor minerals may be granted in the area in question till demarcation is completed and all existing mining operations in these areas shall remain suspended till demarcation work is completed and attain finality. The respective Chief Secretary of the two states were directed to carry out the demarcation for constituting a team of three suitable officers each within the time limit mentioned in the said order. It is not in dispute that subsequently the said demarcation was made.

Pursuant to the representations given by the petitioner to the District Magistrate, the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipure disposed of the representation dated May 15, 2024 on the ground that the issue as to whether the petitioner should be allowed to commence the mining operation after

expiry of the lease period, is a policy decision to be taken by the appropriate authority, the Additional District Magistrate lacks power to take a final decision on the representation made by the petitioner.

The petitioner claims to have submitted a representation to allow the petitioner to do the work allotted after the demarcation was completed and pursuant to a direction passed by a coordinate Bench in a writ petition being WPA 20684 of 2024 the District Magistrate and Chairperson, DCCB, Paschim Medinipure passed an order dated November 18, 2022 seeking guidance from the Secretary, Government of West Bengal, Department of Industry, Commerce and Enterprises, Mines Branch regarding withdrawal of suspension of mining operation of existing mining lease as well as the fate of those sand blocks where lease period has already been expired during the suspension period and the matters were sub-judice. Alleging inaction on the part of the Secretary to the Government of West Bengal in taking a decision with regard to the matter in issue, petitioner submitted a further representation to the Secretary vide letter dated August 4, 2025.

Learned advocate appearing for the petitioner submits that no decision has been communicated by the Secretary to the petitioner till date.

Alleging inaction on the part of the Secretary, State of West Bengal, Ministry of Industries, Commerce and Enterprises (Mines Branch), the petitioner has filed this writ petition.

Mr. Samanta, learned advocate appearing for the State prays for an accommodation to take instruction in this matter.

Learned advocate appearing for the respondent no. 5 submits that since the policy decision has to be taken by the appropriate authority of the State, there is no inaction on the part of the Corporation at this stage.

It is not in dispute that during the subsistence of the mining lease the mining operations of the petitioner as per the lease dated February 10, 2018, was suspended on the ground of the demarcation of interstate boundaries and such demarcation has since been completed during the subsistence of the lease but the suspension order was not withdrawn immediately thereafter. This court is of the considered view that the interest of justice would be subserved if

the respondent no. 2, being the Secretary, Government of West Bengal, Ministry of Industries, Commerce and Enterprises (Mines Branch) should be directed to take a decision on the issue raised by the petitioner in his representation dated August 4, 2025 within a stipulated time.

This writ petition stands disposed of by directing the 2nd respondent, being the Secretary, Government of West Bengal, Ministry of Industries, Commerce and Enterprises (Mines Branch) to consider the representation of the petitioner dated August 4, 2025 and to communicate its decision to the petitioner within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated August 4, 2025 as well as any other material which, in the opinion of the petitioner, may be relevant for taking a decision on such issue.

(Hiranmay Bhattacharyya, J.)