

10.07.2025
Sl. No. 11
g.b.
Court No.24

W.P.A. 25442 of 2022

M/s. Adyama Trade Link Private Ltd.
-Vs-
The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury
.....For the Petitioner
Mr. Chandi Charan De, Ld. Addl. G. P.
Mr. Anirban Sarkar
....For the State
Mr. Sanjay Saha
.....For the Respondent No.5

Petitioner became successful bidder for grant of long term mining lease for five years in respect of the Plot No. 949 (P) and 950(P) situated in sand mine block No. BIR/Illambazar/Ushahar/076/2026 in J. L. No. 126, Police Station – Illambazar, District – Birbhum.

The petitioner carried out its mining activity of sand over the said block and it appears to the petitioner that mineable reserve in the said block is not sufficient to carry out the said mining activity. Accordingly, he made a detailed representation to the authority. On such representation ultimately District Magistrate and District Land and Land Reforms Officer, Birbhum

vide a memo dated 4th of September, 2018 directed the concerned Sub-Divisional Land and Land Reforms Officer to conduct a joint inspection along with the petitioner after monsoon season is over and he also directed the concerned Sub-Divisional Land and Land Reforms Officer to submit a report. After that the concerned authority has not taken any step for conduction of joint inspection over the disputed block. Accordingly, the petitioner made a representation to District Magistrate, Birbhum on 29th of November, 2019. His representation was not considered but during that period the tenure of lease has already been over. By such he again made a representation to the District Magistrate on 18th of October, 2022 for conduction of joint survey and for extension of validity period of the lease.

Both of the petitioner's representations were not considered. Hence this writ.

Mr. Chandi Charan De, learned Additional Government Pleader appearing on behalf of the State authority submits that the instant writ

petition is not at all maintainable. Before submission of the tender it was the duty of the tenderer to inspect the proposed block of sand, such inspection was conducted by the petitioner himself before placing the tender. He was satisfied before placing the tender in respect of the alleged block of sand. Now after extension of lease and after performing mining activities, the said issue cannot be raised.

Having heard the learned counsel for the parties it appears that the petitioner has only conducted mining activities over the disputed plot for four months. After that he made a representation to the authority. The Additional District Magistrate and District Land and Land Reforms Officer have given the petitioner a reasonable opportunity of hearing. After hearing the Additional District Magistrate was satisfied to direct the concerned Sub-Divisional Officer to conduct a joint inspection over the disputed block. It appears that no such joint inspection has been done. The petitioner in this writ petition has also challenged the procedure for floating tender

before conduction of survey over the disputed block of sand. However, the lease between the petitioner and the concerned authority has already expired during that period. At this juncture I think it necessary that the matter should be relegated to the concerned authority so that the grievance of the petitioner may be ventilated.

Under the above observation, the instant writ petition is disposed of directing the Additional District Magistrate and the District Land and Land Reforms Officer, Birbhum being the respondent no. 5 of this writ petition to consider the representations of the petitioner dated 29th of November, 2019 and 18th of October, 2022 and to pass a reasoned order after giving a reasonable opportunity of being heard to the petitioner.

The petitioner is directed to serve the copy of the order along with the copies of the representations upon the respondent no.5. On such the respondent no.5 shall dispose of the representations within six weeks from the date of submission of the representations.

I make it clear that this Court has not entered into the merits of the matter.

The concerned respondent no.5 shall dispose of the representations according to law without being influenced by any observation of this Court.

Since no affidavits have been exchanged between the parties, the allegations made in the writ petition shall be deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Subhendu Samanta, J.)