

21.01.2025
Item No.17
gd/ssd

CPAN/1961/2024
SUKHENDU BIKASH MONDAL
VS
BIDHAN RAY DISTRICT MAGISTRATE-CUM-
COLLECTOR, BIRBHUM
in
WPA(P)/355/2023
SUKHENDU BIKASH MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Swagata Dutta,
Ms. Trenesha Chandra
..for the Petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the alleged Contemnor.

1. This contempt application has been filed alleging willful disobedience of the order and direction issued in WPA(P) 355 of 2023 dated 4.7.2024. The operative portion of the order reads as follows:

“7. In the light of the above facts, we dispose of this writ petition by directing the petitioner to give a comprehensive representation to the District Magistrate, Birbhum enclosing copies of the earlier representation, copies of the orders passed by this court in the earlier writ petition, copy of this order as well as the order passed by the National Green Tribunal. On receipt of the representation, the District Magistrate is directed to form a Team of Officers, conduct surprise inspection of the area and examine as to whether there are any illegal mining activities are being carried on, illegal stone crushing units are being operated and with regard to the authorized mines and stone crushing units the Team should examine as to whether the licence conditions are scrupulously complied with specially the licences which have been granted under the Explosive Act, submit a report to the District Magistrate, Birbhum and based on such

report the District Magistrate is directed to take appropriate action in accordance with law.

8. Needless to state that the persons against whom action is proposed have to be put on notice.

9. The petitioner is directed to submit the representation in terms of the above direction within two weeks from the date of the receipt of the server copy of this order, after which the District Magistrate and Collector shall comply with the other directions within a period of three months from the date on which the representation is made.

10. The Superintendent of Police, Birbhum is directed to pass necessary orders to give adequate police assistance to the Team of Officers who will be conducting the inspection in terms of the above order.

11. The District Magistrate while taking a decision may examine the matter having regard to the population of the area and also whether there is any alternate route through which heavy vehicles can be directed to ply or in the absence of any such alternate route whether time restriction should be imposed for plying of heavy vehicles.

12. The 15th respondent is Salbadra Stone Crushers and Mine Owners Association.

13. The District Magistrate shall issue notice to the said Association also and hear their views in the matter.”

2. The learned Government counsel has produced a copy of a WhatsApp message received from the authority which is to the following effect:

“Steps so far taken:

(1) A committee of ten officers headed by ADM LR has been formed who has conducted frequent and surprise visits to the alleged site and submitted their report before DM.

(2) Based on the Committee report, hearing of each persons named in the report including the Salbadra Mines Owners Association have been

already taken by DM. We are in the process of scrutinizing files and documents of each of these miners (almost 150 persons) to take further decision as per law.

(2) Heavy vehicles have been diverted through an alternate route from 8 Am to 6 PM. Order in this regard has already been issued by DM.”

3. Thus, it is seen that the authorities have already started process for implementing the direction as stated. The process may take time since the files and documents of almost 150 miners have to be examined.

4. Therefore, we direct the authorities to proceed earnestly and to redress the grievances expressed as expeditiously as possible preferably within a period of four months from the date of receipt of server copy of this order.

5. Accordingly, the contempt application stands disposed of.

6. Affidavit of service is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)