

Item No.17
10.07.2025
Court. No. 19
GB

W.P.A. 29652 of 2024

Ashim Kumar Panja
Vs.
The State of West Bengal & Ors.

*Mr. Saptangshu Basu, Sr. Adv.,
Mr. S.S. Arefin*

...for the Petitioner.

*Mr. Somnath Ganguli, Sr. Adv.,
Ms. Tuhina Parvin*

...for the State.

Mr. Sanjay Saha

...for the Respondent No.7.

1. The subject matter of challenge in the instant writ petition is the order dated 20.11.2024 as passed by the respondent no.8 authority, whereby and whereunder the said respondent no.8 authority refused to entertain the appeal as preferred by the writ petitioner against the order dated 28.12.2022 as passed by the respondent no.9 authority and at the same time by the order under challenge the writ petitioner's prayer for adequate compensation and/or for providing him with allotment of any other sand block(s) was/were not considered favourably.
2. In course of hearing Mr. Basu, learned senior advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to the order dated 20.11.2024 as passed by the respondent no.8 authority in the said appeal. It is submitted by Mr. Basu that from the order under challenge dated 20.11.2024 it would reveal that the respondent authorities did not dispute that the writ petitioner could not run his

mining business for a period of three years and three months, that is from 31.05.2019 till 10.09.2022.

3. It is further submitted by Mr. Basu that while passing the order under challenge the respondent no.8 authority has however failed to visualize that for no fault of the writ petitioner the work of excavation of sand and/or sand mining came to a halt on account of issuance of a memo dated 31.05.2019 by the jurisdictional BL & LRO, a copy of which has been annexed at page no.82 of the instant writ petition.
4. It is submitted by Mr. Basu that since a long term mining lease was executed and registered in favour of the writ petitioner and since for no fault of the writ petitioner the said mining work came to a halt for three years and three months, the petitioner suffered a heavy pecuniary loss which ought to have been compensated by the respondent authorities either by payment of adequate compensation or by providing the writ petitioner any other sand block for carrying out mining activity for excavation of sand for the said period of three years three months by way of extension of mining lease as executed in favour of the writ petitioner.
5. It is, thus, submitted by Mr. Basu that it is a fit case for allowing the instant writ petition by granting reliefs as prayed for.
6. Per contra, Mr. Ganguli, learned senior advocate appearing on behalf of the respondent State and its

functionaries places his reliance upon the report of the respondent no.8 as submitted on 15.01.2025. It is submitted by Mr. Ganguli that from the report of the respondent no.8 it would reveal that on account of receipt of a report from the School of Water Resources (Engineering), Jadavpur University regarding chance of damage of Amrut water supply on the Damodar River Bed between Belkash and Jujuti village, the said stop work order was issued by the jurisdictional BL & LRO on 31.05.2019.

7. It is, thus, submitted by Mr. Ganguli that by no stretch of imagination it may be held that the order under challenge as passed by the respondent no.8 authority is per se illegal.
8. 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 justification in the action of the jurisdictional BL & LRO in issuing the memo dated 31.05.2019, whereby and whereunder the writ petitioner was directed to stop the sand mining on the leasehold area between the aforementioned two villages on the riverbed of Damodar.
9. However, it is to be kept in mind that prior to issuance of long term mining lease for five years as on 13.07.2013 and as registered on 11.09.2017 the respondent authorities have received the royalty

amount as well as the premium for lease for executing the said mining lease.

10. No materials have been placed before this Court that the respondent authorities had made any endeavour to compensate the writ petitioner for not allowing his mining business for three years and three months on account of issuance of the said memo dated 31.05.2019. It is equally pertinent to mention herein that as against the present writ petitioner there was no allegation regarding violation of any of the terms and conditions mentioned in the said lease and/or illegal mining.
11. In view of such, this Court considers that the respondent no.8 authority while passing the order under challenge dated 20.11.2024 ought to be careful for compensating the writ petitioner for not allowing him to carry on his mining business for the period of three years and three months. This Court, thus, considers that the order under challenge dated 20.11.2024 as passed by the respondent no.8 suffers from material irregularity for non-consideration of the factum of loss suffered by the writ petitioner for stoppage of mining work for three years and three months.
12. In view of such, this Court while disposing the instant writ petition grants liberty to the writ petitioner to submit a comprehensive representation with regard to his loss on account of stoppage of mining business for

three years three and months with the respondent no.9 authority.

13. This Court thus directs the respondent no.9 authority to assess the loss suffered by the writ petitioner on the basis of the representation as would be submitted by the writ petitioner. At the time of such assessment of loss, the respondent no.9 authority is further directed to consider feasibility of disbursement of adequate interest along with compensation.
14. The respondent no.9 authority is further directed to dispose of the said representation after giving due opportunity of hearing to the writ petitioner and/or his authorized representative and shall pass a reasoned order on such representation and to communicate the same to the writ petitioner forthwith preferably by mail, if the email details of the writ petitioner is provided to him at the time of hearing.
15. The entire exercise including disbursement of compensation and interest, if so assessed by the respondent no.9 authority as indicated in the foregoing paragraphs is to be completed by the respondent no.9 authority within 30 working days from the date of communication of the server copy of this order.
16. With the aforementioned observation the order dated 28.12.2022 as passed by the respondent no.9 authority and the order dated 20.11.2024 as passed by the respondent no.8/ authority is modified to the

extent indicated hereinabove and thus WPA 29652 of 2024 is disposed of.

17. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)