

D/L- 46
17/02/2026
Ct. No.-19
Aritra

WPA 3136 of 2026

**Badial Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Tarun Kumar Das
Mr. Pratap Kumar Yadv

....for the petitioner

Mr. Ashim Kumar Ganguly, AGP
Mr. Subrata Das Gupta

....for the State

The petitioner has challenged the order of the Additional District Magistrate & District Land & Land Reform Officer, Paschim Medinipur dated May 3, 2024 in this writ petition.

The learned advocate appearing for the petitioner submits that the Deputy Secretary, Commerce and Industries Department, Government of West Bengal by a memo dated January 31, 2007 issued grant order for mining lease for sand in respect of the plot in question for a period of 5 years subject to compliance of certain formalities. The learned advocate for the petitioner further submits that most of the documents already got destroyed in the devastating flood and in spite of best efforts the petitioner could not take steps to comply with the rest formalities and to get the deed registered for long term mining lease in respect of the plot in question. The learned advocate further submits that a relative of the

petitioner handed over some of the documents to the petitioner only on December 25, 2023, and immediately thereafter the petitioner approached the authorities for registration of the deed of mining lease.

The learned advocate appearing for the State submits that there is an inordinate delay on the part of the petitioner in approaching the writ court. He submits that the writ petition is liable to be dismissed on that ground alone. He further submits that Rule 15 of the West Bengal Minor Minerals Rules, 2002 provides that the lease is to be executed within 6 months. He submits that in the meantime the West Bengal Minor Minerals Rules Concession Rules, 2016 came into force and thereafter the West Bengal Sand Mining Policy, 2021, has also come into force. He, therefore, submits that the petitioner's prayer for registration of the lease deed in terms of the 2002 Rules cannot be considered at this stage.

It appears from the record that pursuant to an application for mining lease for sand dated August 3, 2005, the grant order was issued on January 31, 2007 directing the petitioner to comply with the conditions as indicated in the said memo and execution according to law within the period of 6 months from the date of the order.

The petitioner would contend that the lease deed was executed but the fact remains that the same was not registered in accordance with the conditions laid down in the memo dated January 31, 2007.

It is not in dispute that the petitioner applied for mining lease under the 2002 Rules. In the meantime the said rules stood repealed with the coming into force of the 2016 Rules. The 2021 policy has also come into force in the meantime. Petitioner sat tight over the matter after receiving the grant order dated January 31, 2007. Petitioner did not take steps for registration of the lease deed within the prescribed time limit. Thereafter only on January 5, 2024, the petitioner approached the District Land & Land Reforms Officer for permission to get registration of the deed and to hand over possession of the land in question. Such prayer was rejected by the Additional District Magistrate & District Land & Land Reform Officer, Paschim Medinipur by the impugned order dated May 3, 2024, on the ground that the prayer for execution of the lease deed on the basis of the grant order cannot be entertained at that stage. The petitioner sought for a direction for registration of the lease deed pursuant to the grant order issued under the 2002 Rules and for handing over possession of the lands in question.

Since the said 2002 Rules is no longer in force and the petitioner approached the authority only in the year 2024, i.e., at a belated stage, this Court is not inclined to grant any relief to the petitioner in the writ petition. The impugned order is a reasoned one and does not suffer from any infirmity.

With the above observations WPA 3136 of 2026 stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)