

HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction Appellate Side

Present:

The Hon'ble Justice Hiranmay Bhattacharyya

WPA 3340 of 2026

Ataur Rahaman Mandal & Ors.

Versus

The State of West Bengal & Ors.

For the petitioners	:	Mr. Piush Chaturvedi, Sr. Advocate Mr. Pallav Chatterjee Mr. Monajit Chakraborti
For the State-respondent	:	Mr. Joydip Banerjee Ms. Mousumi Banerjee
For the respondent no. 2	:	Mr. Sanjay Saha Mr. Raju Mondal
Heard on	:	23.02.2026, and 27.03.2026
Judgement on	:	27.03.2026

Hiranmay Bhattacharyya, J.:

1. Petitioner participated in the e-auction process for grant of mining lease of sand pursuant to the notice inviting tender dated January 3, 2017 in respect of Sand Block – MGARB28 and was declared as the highest bidder. The petitioner deposited a portion of the bid

money. Thereafter, the Letter of Intent ('LOI', for short) dated February 3, 2017 was issued and after issuance of the LOI, the rest of the bid money was deposited and a mining lease dated February 14, 2017 was executed and registered for a period of five years. The Additional District Magistrate and District Land and Land Reforms Officer issued a notice dated August 1, 2017 directing the petitioner to attend the office of the said respondent on the subject relating to discontinuation of the sand mining of the aforesaid sand block. As per the decision and direction of the District Committee for Competitive Bid ('the Committee', for short) for shifting to an alternate land schedule of the said sand mining block, a rectified lease deed was thereafter executed and registered. The authorities again took a resolution for shifting of the leasehold area of the sand block in question in the meeting of the Committee held on September 5, 2019.

2. Pursuant to the decision for shifting, petitioner approached the authorities for execution of a lease deed for the shifted plot and alleging inaction on the part of the authorities filed a writ petition being WPA 25604 of 2025 and on account of some subsequent events the petitioner prayed for withdrawal of the writ petition with liberty to file afresh which was allowed by an order dated January 15, 2026. In terms of the leave granted by the aforesaid order, the petitioner has filed the instant writ petition challenging the decision taken in the meeting of the Committee held on December

14, 2022 thereby cancelling the order allowing shifting of the sand blocks in favour of the petitioner.

3. Mr. Chaturvedi, learned Senior Advocate, appearing for the petitioners submits that the authorities shifted the area of the sand block and accordingly granted approval to the same. He submits that no opportunity of hearing was granted to the petitioners prior to cancelling the decision allowing shifting of area of the sand block in favour of the petitioners. He thus submits that there has been a violation of the principles of natural justice and in support of such contention he placed reliance upon a decision of the Hon'ble Supreme Court in the case of *D. K. Yadav –Vs.- J. M. A. Industries Ltd.*, reported in (1993) 3 SCC 259.
4. Mr. Chaturvedi further draws the attention of the Court to an order dated January 15/16, 2026 passed by the Chairman and Managing Director, West Bengal Mineral Development and Trading Corporation Limited ('Corporation', for short) and submits that though the authorities have allowed shifting of the mining area in the case of M/s. K. K. Minerals Pvt. Ltd. but has discriminated against the petitioners by cancelling the shifting already allowed in favour of the petitioners. Thus, Mr. Chaturvedi has highlighted the issue of discrimination and violation of the provisions of Article 14 of the Constitution of India.

5. Mr. Banerjee, learned advocate appearing for the State files a report of the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur dated March 5, 2026. He draws the attention of this Court to an order dated March 19, 2019 passed by a coordinate Bench in WP 5166(w) of 2019 in the case of *Sri Ashok Kumar Singh @ Ashoke Kumar Singh –Vs.- The State of West Bengal & Ors.* and submits that in the said order the coordinate Bench held that allocation of sand block has to be done only by a tender process and once a sand block has been allotted, the allottee cannot ask the authorities for a new sand block which was not put up in the tender process. He submits that pursuant to the said order a policy decision was taken which was published in the Kolkata Gazette (Extraordinary) dated July 30, 2021. He further submits that the decision of shifting of the sand block was taken in terms of the order passed by the coordinate Bench and the subsequent policy decision taken by the government.
6. Mr. Banerjee further submits that the order in the case of M/s. K. K. Minerals Pvt. Ltd. and Anr. Relied upon by Mr. Chaturvedi, was passed pursuant to a direction passed by a coordinate Bench in a writ petition and the onetime shifting in the said case was allowed considering the facts and circumstances of that case without creating any precedence. He thus submits that the said order cannot be of any assistance to the petitioners.

7. Mr. Saha, learned advocate for the Corporation submits that the order of cancellation of the decision to shift the sand blocks was taken pursuant to a policy decision of the government. He, therefore, submits that this Court should not interfere with such order which was passed after considering all materials on record and the environmental factors as well.
8. Heard the learned advocates for the parties and perused the materials placed.
9. Record reveals that the decision of shifting of the leasehold area of the sand mining in respect of the sand block in question, was initially taken by the Committee on August 28, 2017 and such decision was communicated to the petitioners vide memo dated September 1, 2017. No material has been produced by the State to show that the said shifting was done on the prayer of the petitioners.
10. Mr. Saha, learned advocate appearing for the Corporation, in his usual fairness, submits that the decision for first shifting, which was communicated by the memo dated September 1, 2017, was done by the authorities and not on the prayer of the petitioners. Thereafter the Committee again took a resolution on September 5, 2019 for shifting of the leasehold area for the sand mining block in question on September 5, 2019.

11. Mr. Banerjee, learned advocate appearing for the State would vehemently contend that the said decision to shift the mining area of the sand block in question was in violation of the order passed by the coordinate Bench in the case of *Sri Ashok Kumar Singh (supra)* and for such reason, the decision allowing shifting of the sand block was cancelled.
12. In *Sri Ashok Kumar Singh (supra)* the petitioner therein approached the authorities for changing of the sand block. Thus the said decision is distinguishable on facts and the same cannot come to the aid of the respondent authorities.
13. Mr. Banerjee would contend that the decision taken by the Committee in its meeting held on December 14, 2023 on the issue of cancellation of shifted sand blocks was taken pursuant to the policy decision taken by the government, i.e., the West Bengal Sand Mining Policy, 2021.
14. After going through the impugned order, it does not appear to this Court that the policy of 2021 forms the foundation of the decision to cancel the shifted sand blocks.
15. On a query of the Court, Mr. Banerjee, learned advocate appearing for the State, in his usual fairness, submits that no opportunity of hearing was afforded to the petitioners prior to cancellation of the decision taken in favour of the petitioners

allowing shifting of the sand mining area of the sand block in question.

16. At this stage it would be relevant to take note of the decision of the Hon'ble Supreme Court in the case of *D. K. Yadav (supra)* wherein it has been held that the aim of the rule of natural justice is to secure justice or in other words, to prevent miscarriage of justice. It was further observed by the Hon'ble Supreme Court that it is the fundamental rule of law that no decision can be taken which will affect the right of any person without first being informed of the case and giving him/her an opportunity of putting forward his/her case. An order involving civil consequences must be made consistently with the rules of natural justice.
17. The Hon'ble Supreme Court in the case of *Mohinder Singh Gill – Vs.- Chief Election Commissioner*, reported in (1978) 1 SCC 405 held that a 'civil consequences' covers infraction of not merely property or personal right but of civil liberties, material deprivations and non-pecuniary damages. It was also observed therein that in its comprehensive connotation everything that affects a citizen in his civil life inflicts a civil consequence.
18. A favourable order allowing shifting of a sand block, if cancelled, would squarely fall within the expression 'civil consequences' as described in *Mohinder Singh Gill (supra)*.

19. By applying the proposition of law laid down in D. K. Yadav (supra), this Court holds that the petitioners in whose favour a decision of shifting of sand block was taken, ought to have been informed of the reasons for which the authorities are contemplating to cancel such decision and an opportunity of hearing ought to have been afforded to the petitioners to defend themselves.
20. To the mind of this Court, the authorities have not adhered to the aforesaid well-settled proposition of law.
21. After going through the impugned order this Court finds that the order of cancellation of the shifted sand blocks is a non-speaking one. It states that no shifting of sand block shall be allowed and previously shifted may be treated as cancelled without assigning any reason in support thereof.
22. It is now judicially settled that reasons are the heartbeat of any order. Unless reasons have been assigned, a party affected by such decision will not be able to know the reasons why his prayer was rejected or any benefit extended to him has been taken away by the said order. A non-speaking order also amounts to violation of the principles of natural justice.
23. This Court accordingly holds that there is an infirmity in the decision making process.

24. For such reason, this Court is inclined to interfere with the decision taken in the minutes of the meeting of the Committee held on December 14, 2022 on the issue of cancellation of shifted sand blocks insofar as the petitioners are concerned.

25. Accordingly, the impugned order canceling the decision of shifting of sand blocks insofar as it relates to the petitioners, is set aside and quashed.

26. In the case of *M/s. K. K. Minerals Pvt. Ltd. and Anr. (supra)* the order dated January 15/16, 2026 was passed pursuant to a direction passed by the coordinate Bench and taking note of the peculiar facts and circumstances of the said case. In the said case the payer for shifting was made at the instance of the petitioner. Petitioners claim to be standing on a better footing than *K. K. Minerals Pvt. Ltd. (supra)*. Since *K. K. Minerals Pvt. Ltd. (supra)* is distinguishable on facts and the same was passed pursuant to an order of the Court, the same may not assist the petitioners.

27. The District Magistrate, Paschim Medinipur is directed to reconsider the issue of cancellation of shifted sand block insofar as the petitioners are concerned after informing the petitioners the reasons for which an adverse decision against them is contemplated and after affording an opportunity of hearing to the petitioners or their authorized representative. Needless to mention that the said authority shall also provide materials which the

authority may be placing reliance upon at the said hearing which might affect the right of the petitioners prior to the date fixed for hearing. In case the 3rd respondent is of the view that such authority is not in a position to decide the issue regarding cancellation of the shifted sand block, such authority shall communicate the reasons therefor to the petitioners and shall simultaneously forward the papers and other materials including a copy of the order to the appropriate authority who is vested with the power to decide the said issue and immediately upon receiving a request from the District Magistrate in that regard, such authority shall decide the issue in the manner as indicated hereinbefore. The entire exercise shall be completed as expeditiously as possible but positively within a period of 10 weeks from the receipt of a server copy of this order.

28. In case the respondent authorities decides in favour of the petitioners all consequential steps in accordance with law shall be taken immediately thereafter.

29. Writ petition stands disposed of.

30. Urgent photostat certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)

