

WPA 28279 of 2025

M/s. U.M. Mines & Minerals Pvt. Ltd.
Vs.
The State of W. B. & Ors.

Mr. Arnab Roy
Mr. Satyam Mukherjee
Mr. Purnendu Sekhar Ghosh
Mr. Saibal Rakshit ...for the petitioner.

Ms. Rama Halder
Ms. Kalpita Paul ...for the State.

Mr. Satyendra Agrawal
Mr. Bijoy Bag
Mr. Goutam Malik ...for ECL.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Ms. Rupsa Srimani
Mr. W. A. Dafader
Mr. D. Banerjee ...for respondent no.10.

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner company is represented by one Rudra Sankar Roy, whose father Kamala Kanta Roy (since deceased) was granted lease in respect of the plot in question for a period of 999 years in 1957 by virtue of a decree in OC suit no.307 of 1953. In view of the nationalization of the coal mines, the petitioner was constrained to refrain from continuing the mining operation in the said plot.

The petitioner approached the learned Civil Judge (Senior Division) 1st Court, Asansol in execution case no.53 of 1957 and by an order passed on 9th January, 2013, the learned Court directed the competent authorities to extend cooperation, assistance and grant suitable NOC to protect the petitioner's right as well the auctioned property. The decree holder was directed to use the leasehold property in terms of the deed of lease.

The petitioner complains that despite such order, the plot is being possessed by the Eastern Coalfields Ltd. who is carrying on mining operation therein. The petitioner lodged complaints in this regard before the police authority which has not been considered.

Opposing the contention of the petitioner, learned counsel for the ECL submits that in view of the promulgation of the Coal Mines (Nationalization) Act, 1973, the right, title and interest of the owners in relation to the coal mines stood vested in the Central Government free from all encumbrances. Section 3 of the Act deals with such vesting and enumerates that except the mining leases granted before such commencement in favour of the Government company or corporation referred to in Clause (a) and any sub-lease granted by such Government company or corporation, all other mining leases and sub-leases in force immediately before such commencement shall, in so far as they relate to the winning or mining of coal, stand terminated.

Therefore the lease of the petitioner also stood terminated by operation of law and the petitioner has no right, title and interest in respect of the plot in question at present.

Learned counsel for the 10th respondent takes this Court to the Mines and Minerals (Development and Regulation) Act, 1957 and the Coal Mines (Special Provisions) Act, 2015 and submits that in terms of Section 4 of the Act of 1957, no person shall undertake mining operation in any area except under and in accordance with the terms and conditions of a lease granted under this Act.

Learned counsel also refers to Section 4 of the 2015 Act which states that subject to provisions of Section 5, Schedule I coal mines shall be allocated by way of public auction in accordance with such rules and on payment of such fees which shall not exceed five crore rupees, as may be prescribed.

Learned counsel submits that the 10th respondent participated in such auction and was declared the highest bidder. This respondent has been continuing mining operation in the plot in question since 8th May, 2023.

It appears from the report submitted by the State that enquiry has been held pursuant to the complaint lodged by the petitioner. It has been reported by the ECL that mining operation in the plot in question has commenced after transfer of the leasehold area on 3rd August, 2023. The complaint has been acted upon.

In view of the provision of law recorded hereinabove, this Court is inclined to hold that the lease of the predecessor in interest of the petitioner stood terminated with the promulgation of the Coal Mines (Nationalization) Act, 1973 and in terms of the provisions stated hereinabove, work order has been issued in favour of the 10th respondent in respect of the plot, being the highest bidder.

The writ petition is devoid of any merits and is liable to be dismissed.

However, since the petitioner submits that he is entitled to compensation, he is at liberty to take necessary steps before the appropriate forum in accordance with law.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)