

03.02.2026
Court No.25
D/L No.22
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28723 of 2025

**Shri Abhijit Maity & Ors.
Versus
State of West Bengal & Ors.**

Mr. Phatick Chandra Das
Mr. Anurag Chatterjee

...for the Petitioner

Mr. Pantu Deb Roy, Ld. AGP
Mr. Pannalal Bandyopadhyay

...for the State

1. The petitioner has filed the present writ application praying for a direction upon the District Magistrate and the Land & Land Reforms Officer, Jhargram to allow the petitioner to carry the sand from the State of Jharkhand to the State of West Bengal.
2. The specific allegation of the petitioners in the present writ application is that the petitioners are the registered owner of the vehicle and carrying the sand from the State of Jharkhand to the State of West Bengal with valid challan but the police authorities of the State of West Bengal without considering the challan of the petitioners are not allowing the petitioners to transport the sand. He further submits that the police authorities have illegally seized the vehicle of the petitioners and have released the vehicle but have kept the sand in their custody. He submits

that the petitioners having the valid challan but the authorities have not considered the challan.

3. Per contra, learned counsel appearing for the State has submitted report wherefrom it reveals that the police authorities of the State of West Bengal have apprehended the vehicle and during the enquiry it was found that the petitioners are transporting the sand illegally without any valid permit. Accordingly, the police authorities have initiated the case being FIR No. 176 of 2025 dated 24th November, 2025 under 303(2)/317(2) of the BNS, 2023 and the case is pending before the learned Chief Judicial Magistrate, Jhargram. He further submits that the vehicle has already been released and the Investigating Officer has made an application before the learned Magistrate for confiscation of the sand.
4. Considering the above, this Court finds that the police authorities have already initiated a case against the petitioners for illegal transportation of the sand and the case is pending before the learned Chief Judicial Magistrate, Jhargram. Thus, in the writ jurisdiction this Court cannot decide whether the police authorities have seized the vehicle and the sand of the petitioners legally or illegally. The petitioners have to take appropriate steps before the appropriate court where the criminal case is pending.

5. Accordingly, WPA 28723 of 2025 is disposed of with the liberty to the petitioner to take appropriate steps before the appropriate forum against the case initiated by the police authorities against the petitioners.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
7. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)