

February 9, 2026
Sl. No.27
Court No.236
s.biswas

WPA 27365 of 2012

Dinabandhu Das Bairagya
vs.
The State of West Bengal and others

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee
Mr. Pritam Sarkar

... for the petitioner

1. On behalf of the writ petitioner, a receipted copy of the letter dated 25.07.2025 is filed showing service of notice upon the learned Government Pleader, High Court at Calcutta.
2. Let the receipted copy of the letter dated 25.07.2025 be taken on record.
3. None appears on behalf of the respondent State, despite service.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no.4 authority commanding him not to give effect of the Memo No.4051/MM/DLLRO/Bankura dated 10.10.2012.
5. By the impugned Memo dated 10.10.2012, the respondent no.4 authority rejected the writ petitioner's application for mining lease pursuant to the amendment in West Bengal Minor Minerals Rules, 2002 (hereinafter referred to as the 'said Rules of 2002', in short), which has come into

force with effect from 05.12.2011 vide Notification dated 01.12.2011.

6. At the time of hearing, Ms. Dhabal, learned counsel appearing on behalf of the writ petitioner submits before this court that the impugned Memo dated 10.10.2012 cannot stand in view of the fact that the writ petitioner's application for grant of mining lease was antedated to the said amendment. It is thus submitted that relief/reliefs may be granted to the writ petitioner in terms of prayers made in the instant writ petition.
7. It is further submitted on behalf of the writ petitioner that since amendment was brought into effect on 05.12.2011, there cannot be any justification to reject the prayer of the writ petitioner by the respondent no.4 authority.
8. For effective adjudication of the instant writ petition, I at the outset propose to look to Rule 61 and Rule 62 of the West Bengal Minor Mineral Concession Rules, 2016 (hereinafter referred to 'said Rules of 2016', for short).
9. Rules 61 and 62 of the said Rules of 2016 are quoted hereinbelow in verbatim:

“61. Declaration of ineligibility of the pending minor mineral applications for mining lease including the applications of reclassified major minerals. - All applications for mining lease of minor minerals including the reclassified minor minerals vide SO No.-423 (E) dated 12th February, 2015

received prior to the giving-effect to this rules irrespective of its duration of pendency shall become ineligible.

Provided that if the applicant has been issued a Grant Order or Letter of Intent (LoI) or any other Government Order requiring the alteration of applicant's position then his mining lease application may be considered after due compliance of all the necessary conditions.

62. Repeal. - (1) *The West Bengal Minor Mineral Rules, 2002, is hereby repealed.*

(2) Notwithstanding such repeal, anything done, any action taken, or any prosecution started under the said rules, shall be deemed to have been validly done or taken or started, as the case may be, under the corresponding provisions of these rules."

10. On careful perusal of the aforementioned provision of the said two Rules, it would reveal that with the enactment of the said Rules of 2016, the said Rules of 2002 was repealed.

11. It further reveals to this court that Rule 61 of the said Rules of 2016 mandates that application for mining lease of minor minerals received prior to giving effect of the said Rules of 2016 shall become ineligible. However, in the event the applicant has been issued a grant order or Letter of Intent (LoI) or any other Government Order, in such a situation the applicant's position with regard to this mining lease application may be considered in terms of the said Rules of 2002.

12. Keeping in mind the aforementioned provision of the said Rules of 2016, if I look to the factual

matrix as involved in the instant writ petition, it reveals that no material could be placed before this court on behalf of the writ petitioner before repealing of the said Rules of 2002 any grant order and/or LoI was issued in favour of the writ petitioner.

13. In view of such and in view of repealing of the said Rules of 2002 and in view of embargo of Rule 61 of the said Rules of 2016, the writ petitioner is not entitled to any relief, as prayed for.

14. With the aforementioned observation, WPA 27365 of 2012 is dismissed.

(Partha Sarathi Sen, J.)