N.22Sl

151/CL
09.10.26
DL-08
Ct.-19
(S.R.)

WPA 27418 of 2026

M/S. Alam Enterprise
v.
State of West Bengal & Ors.

Mr. S.S. Arefin
Ms. Anamika Jana ... for the petitioner.

Mr. Sujit Bhunia
Mr. Abhishek Kabir ... for the State.

Mr. Sanjay Saha
Mr. Raju Mondal
Ms. Indrani Mukherjee
... for the respondent nos.9 & 10.

1. Affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. The petitioner, the respondent State and the Corporation are represented by their respective counsel.
3. The subject matter of the instant writ petition is the memo dated 19.08.2026 as issued by the respondent no.5 authority whereby and whereunder the said respondent no.6 authority demanded a sum of Rs.1,73,62,761.00/- in connection with sand block Khandaghosh/ Kumirkola 1471(P) and ors/H with area 9.36 acres vide lease deed no. I-0218-00020/2025 dated – 03/01/2025.
4. At the time of hearing, Mr. Arefin, learned advocate

appearing on behalf of the writ petitioner submits before this Court that the subject matter as involved in the instant writ petition is same and identical with the subject matter as involved in **WPA 14231 of 2026 (Raju Mandal v. The State of West Bengal & Ors.)** as disposed of by this Court on 02.07.2026 as well as in **WPA 23649 of 2026 (Probhat Barui v. The State of West Bengal & Ors.)** as disposed of by this Court on 14.09.2026. It is argued by Mr. Arefin that in the case of **Raju Mandal** ***(supra)*** and **Probhat Barui** ***(supra),*** this Court observed that the respondent State cannot claim any further amount from the writ petitioner/lessee, in the event, he extracts sand to the extent as mentioned in Clause 3(b), Part VII of the relevant registered deed of lease and consequently, this Court directed the respondent authority to issue excavation permit/challan in favour of the said writ petitioner after obtaining necessary compliance from the respondent State within a specified period.

5. It is argued by Mr. Arefin that from the materials as placed before this Court, it would reveal that following the issuance of LOI and after obtaining the environmental clearance dated 28.02.2024 from SEIAA, a registered deed of lease was executed by and between the respondent State (lessor) and the

present petitioner (lessee) on 24.06.2025. It is argued by Mr. Arefin that in the spirits of the judgments of **Raju Mandal *(supra)*** and **Probhat Barui *(supra)*** appropriate relief and/or reliefs may be granted to the writ petitioner in terms of the instant writ petition.

6. Mr. Saha, learned advocate appearing on behalf of the respondent Corporation submits before this Court that the impugned memo was issued by the respondent no.6 authority pursuant to a notification dated 18.06.2026 and similar such demand based on similar such notification was also the subject matter in the cases of **Raju Mandal *(supra)*** and **Probhat Barui *(supra)***.

7. Mr. Bhunia duly assisted by Mr. Kabir, learned advocates supports the notification dated 18.06.2026 and the memo dated 19.08.2026.

8. This Court has meticulously gone through the entire materials as placed before this Court. This Court has given due consideration over the submissions of the learned advocates for the contending parties.

9. On careful perusal of the entire materials as placed before this Court, it appears to this Court that the facts and circumstances as involved in the instant writ petition are purely identical with the facts and circumstances as involved in the cases of **Raju**

Mandal ***(supra)*** and **Probhat Barui** ***(supra)*** and, accordingly, this Court cannot take any contrary view unless the view taken by this Court in the case of **Raju Mandal** ***(supra)*** and **Probhat Barui** ***(supra)*** is set aside and/or modified by any Higher Court.

10. In view of the discussion made hereinabove, the instant writ petition succeeds and is hereby allowed.

11. Consequently, the respondent no.10 authority is directed to issue excavation permit/challan for excavation of sand from the sand block being Khandaghosh/Kumirkola 1471(P) and ors/H with area 9.36 acres vide lease deed no. I-0218-00020/2025 dated – 03/01/2025 in favour of the writ petitioner after obtaining necessary compliance from the respondent no.5 authority positively within 10 working days from the date of communication of the server copy of this order without insisting any further payment by the writ petitioner.

12. The time limit, as fixed by this Court, is peremptory and mandatory.

13. Liberty is given to the learned counsel on record for the writ petitioner to communicate the server copy of this order to the respondent nos.4, 5, 9 and 10 authorities, who are directed to act on the server copy of this order.

14. Before parting with, it is, however, made clear that in the event, the writ petitioner is found to be excavated more amount of minor minerals i.e. the sand as have been mentioned in the said registered Lease of Deed, the respondent authorities are at liberty to take appropriate legal action, in accordance with law.

15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Partha Sarathi Sen, J.)