N.22Sl

151/CL
09.10.26
DL-09
Ct.-19
(S.R.)

WPA 27687 of 2026

Yogendra Kumar Singh
v.
The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Suman Banerjee ... for the petitioner.

Mr. Shiv Shankar Banerjee
Ms. Paramita Mondal ... for the State.

Mr. Sanjay Saha
Mr. Raju Mondal
... for the respondent nos.2 to 5.

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 14.08.2026 as issued by the respondent no.6 authority whereby and whereunder the said respondent no.6 authority demanded a sum of Rs.3,18,40,766.00/- in connection with the leased out sand block namely; Galsi –II/Gohogram/6002/D with area 4 Hectar/9.88 acre.
4. At the time of hearing, Mr. Basu, 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. Basu 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. Basu 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. Basu 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. *Per contra*, Mr. Banerjee, learned advocate appearing on behalf of the respondent State in course of his submission draws attention of this Court to the copy of the lease deed as has been annexed to the instant writ petition. Drawing attention to the internal page no.14 of the said deed of lease, it is argued by Mr. Baenrjee that on perusal of Clause 3 of Part V of the relevant registered deed of lease, it would reveal that the lessor reserved its right to enhance the rates at which royalty and other charges shall be payable by the lessee in terms of Rule 10 of the West Bengal Sand (Minding, Transpiration, Storage and Sale) Rules, 2021 ('the said Rules of 2021' in short). It is, thus, submitted by Mr. Banerjee that the impugned

demand dated 14.08.2026 is, thus, in consonance with Clause 3, Part V of the aforementioned registered deed of lease read with Rule 10(6) of the said Rules of 2021.

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

9. Since Mr. Banerjee, learned advocate appearing on behalf of the respondent State places much reliance upon the Clause 3, Part V of the relevant registered deed of lease as has been executed by and between the respondent State and the present writ petitioner, this Court proposes to look to said Clause 3, which is reproduced hereinbelow in verbatim: -

> *"Subject to the provision of clause I of this Part, the lessee shall during the subsistence of this lease pay royalty and other charges to the State Government through the e-Supply Chain of Minor Mineral Portal of WBMDTCL (advance payment) in respect of sand removed by him as per Chapter III, Rule 10 of the West Bengal Sand (Mining, Transportation Storage and Sale) Rules, 2021."*

10. This Court further considers that Rule 10 of the said Rules of 2021 is also required to be looked into and the same is also reproduced hereinbelow: -

"10. Payment of Royalty and Rent and/or other Charges.-

(1).....

(2).....

(3).....

(4).....

(5).....

(6) The State Government, by notification published in the Official Gazette, may enhance or reduce the rates at which royalty and/or rent and/or other charges shall be payable under sub-rules (1) to (3) with effect from such date as may be specified in the said notification:

Provided that State Government shall not increase the rate of royalty more than once during any period of three years."

11. On careful perusal of the aforementioned rule read with Clause 3 of Part V of the aforementioned registered deed of lease, it reveals to this Court that Rule 10(6) of the said Rules permits the respondent State to enhance the rates at which royalty and other charges and/or rent will be payable.

12. Keeping in view the aforementioned legislative provision and the Clause 3 of Part V of the said lease, if I look to the impugned memo dated 14.08.2026 as well as to the relevant notification dated 18.06.2026 as have been annexed at page nos.200 and 201 in the instant writ petition, it appears to this Court that the excess demand as has been raised by the respondent no.6 authority is

based on revised quantity of sand as has been deposited in the relevant plot with the passage of time. It, thus, appears to this Court that the excess demand is made only on the excess quantity and by the impugned notification no effort was made by the respondent State to enhance the royalty and/or rent and/or other charges.

13. In view of such, this Court has no hesitation to hold that the impugned memo has got no relevance with regard to the Rule 10(6) of the said Rules and, thus, in considered view of this Court the argument as advanced by Mr. Banerjee is not at all acceptable.

14. On careful perusal of the entire materials as placed before this Court, it rather 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.

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

16. Consequently, the respondent no.3 authority is

directed to issue excavation permit/challan for excavation of sand from the sand block being Galsi-II/Gohogram/6002/D with area 4 Hectar/9.88 acre within Gopiballavpur Developmental Block, P.S. -Gopiballavpur bearing Action ID: 2016_DMBUW_64 of sand block Galsi-II/Gohogram/6002/D in favour of the writ petitioner after obtaining necessary compliance from the respondent no.6 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.

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

18. 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.3, 4, 5 and 6 authorities, who are directed to act on the server copy of this order.

19. 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.

20. 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.)