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WPA(P)/386/2022

DHRUBA SAHA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Anindya Lahiri,
Mr. Samrat Dey Paul

..for the Petitioner.

Mr. Jahar Lal De,
Mr. Nilotpal Chatterjee

..for the State.

Mr. Kaushik Dey

..for the Respondent No.12.

Affidavit of service filed by the petitioner is taken on record.

In this public interest petition the case of the petitioner is that in respect of the mining block royalty is fixed at Rs.130/- per cubic meter and is being paid directly by the mining lease holders through grip challans, but the illegal mines are also operating and the money is being collected in the name of royalty/compound unauthorisedly and illegally.

Learned counsel for the petitioner has referred to the RTI query and response thereto and has submitted that only five mining lease are operating in the area concerned and he has also referred to the challans filed

as annexure “P-3” and has submitted that the fake challan books are printed and on that basis compound money is collected from the vehicles carrying black stones illegally extracted from the mines. The submission is that since valid lease holders are paying the royalty directly through grip challans, therefore, this illegal collection of money in the name of compound money indicates that the unauthorised and illegal mining work is also being done in that area. He has submitted that a big racket is operating and there is huge leakage of revenue and loss to the government.

Learned counsel for the State is directed to file the report in the form of affidavit within four weeks. Thereafter exception, if any, be filed within one week.

Learned counsel appearing for the respondent no.12 has also submitted that there is no violation of Customs Provision, therefore, the respondent no.12 is not the necessary party.

Learned counsel for the petitioner may examine the same and do the needful.

Learned counsel for the petitioner is permitted to inform the other respondents, who are not appearing today, about the next date of hearing.

In the meantime, the State authorities are directed to ensure that no illegal money is allowed to be collected, as alleged, in the petition.

List on 1st of November, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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