

Sl. No. 3

1
OA-124/2026/EZ

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

[Application under Section 18(1) read with Section 14 of the
National Green Tribunal Act, 2010]

In the matter of:

Bhanu Pratap Singh

.....Applicant

-Versus-

The State of West Bengal & Others.

..... Respondents

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
	<i>Synopsis, List of dates and O.A.</i>	<i>1-29</i>
1.	Copy of the Deed of Lease granted by the Government of West Bengal to the applicant for operating brickfield.	<i>A- 30- 40</i>
2.	Copy of the Government Circular granting regularization to brickfields.	<i>B- 41- 65</i>
3.	Certified copy of the Judgment and order passed by Hon'ble High Court at Calcutta in C.O.No.4760 (W) of 1991.	<i>C- 66- 71</i>
4.	Certified copy of the Judgment and order passed by Hon'ble High Court at Calcutta in W.P.No.992 (W) of 2003.	<i>D- 72- 77</i>
5.	Copy of the approved mining plan in respect of applicant's brickfield.	<i>E- 78- 79</i>
6.	Copy of the Environmental certificate.	<i>F- 80- 87</i>
7.	Copy of the order passed by this Hon'ble	<i>G- 88- 92</i>

NGT, 27th Sep 2016

12 MAR 2026



7.	Copy of the order passed by this Hon'ble Tribunal in O.A.No.133 of 2016/EZ.	G 93-94
8.	Copy of the order in compliance of order of the Hon'ble Tribunal in O.A. 148/2017/EZ.	H 93-94
9.	Copy of the earlier consent to operate.	I 95-97
10.	Copy of the Judgment and order passed by Hon'ble High Court in CRR No.637 of 2017.	J 100-122
11.	Copy of the application for consent to operate.	K 123

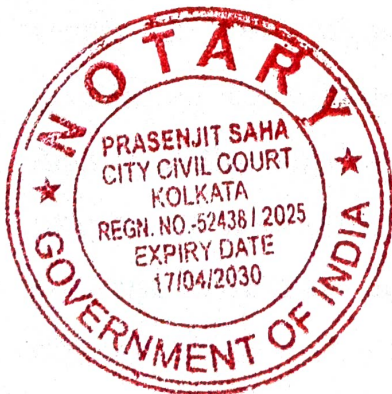
Date 12/03.2026

Place : Kolkata

Filed by -

Pinaki Ranjan Chakraborty

Advocate



SYNOPSIS :

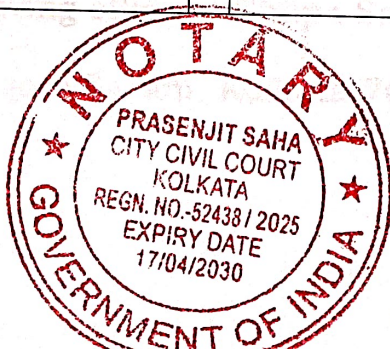
The applicant is the owner of a brickfield being M/s.Keota Brickfield Private Limited which is situated on the plots obtained from the Government of West Bengal under a Deed of Lease which is valid till 2037. The brickfield of the applicant is in operation since 1960 and the same stands regularised. The applicant had paid the mining dues to the Government from time to time. The applicant took all measures for Pollution Control and erected pollution control system in accordance with guidelines of West Bengal Pollution Control Board by construction of high draught chimney of appropriate height and zig-zag technology in the brick kiln. On earlier occasions, since the applicant took effective role for the Welfare of brickfield owners in West Bengal as a member of Bengal Brickfield Owners Association, the district mining authority in the district of Hooghly tried to harass the applicant in various manner and as a result the applicant had to file several proceeding in the Hon'ble High Court at Calcutta relating to disputes regarding arbitrary monetary claims and others. On earlier occasions, in terms of the orders of the Hon'ble Tribunal, Environmental Clearance Certificates and consent to operate were issued in favour of the applicant. But during the current year, applicant's prayer for issuance of Environmental Clearance Certificate and consent to operate are not being issued and on instruction of the officers of the district mining authority of Hooghly the concerned authorities have denied to issue the consent to operate.



4

LIST OF DATES AND EVENTS :

DATES	EVENTS
1960	: Applicant's brickfield came into operation.
29.09.2000	: Government issued circular granting regularization of brickfields.
19.02.2002	: Order was passed by Hon'ble High Court at Calcutta allowing operation of brickfields upon payment of royalty.
2013	: The applicant filed the writ application before the Hon'ble Court in Hon'ble High Court being W.P.No.38821 (W) of 2023.
2015	: The applicant filed writ application being W.P.No.30030 (W) of 2015.
2017	: O.A.No.147/2017/EZ was filed by the applicant before this Hon'ble Tribunal.
04.02.2016	: The applicant filed application for issuance of consent to operate before respondent no.4.
09.03.2026	: The respondent no.4 refused to issue consent to operate in favour of the applicant on instruction of the respondent nos.2 and 3.



5

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

[An application under Section 18 (1) read with Section 14 of the
National Green Tribunal Act, 2010.]

ORIGINAL APPLICATION NO. _____ OF 2026;

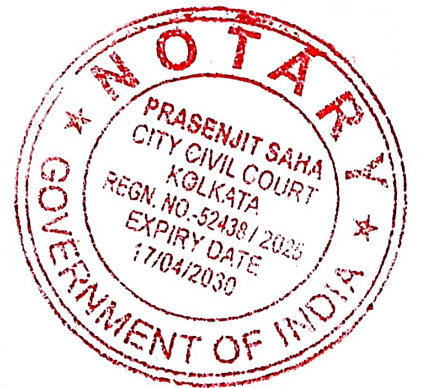
In the matter of:

Bhanu Pratap Singh,
Proprietor Keota Brick Field,
Son of Late Dineswar Singh,
Residing at Village Keota, Kultala,
Post Office : Sahaganj,
District Hooghly, PIN-712104.

.....Applicant

-Versus-

1. The State of West Bengal
Service through the Principal Secretary,
Industry, Commerce and Enterprises
Department, Government of West Bengal,
Having office at Shilpa Sadan, 4, Abanindranath
Tagore Sarani, Kolkata-700 016.



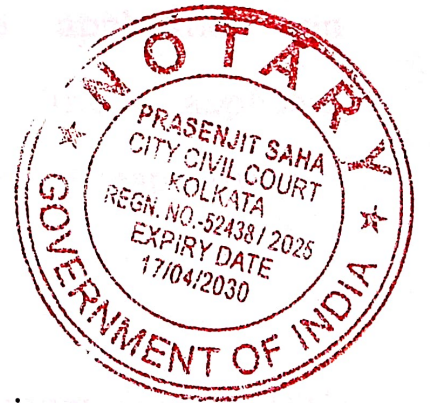
Email – secci@wb.gov.in

2. The District Magistrate, Hooghly,
Having office at Chinsurah, Post Office-
Chinsurah, District Hooghly, Pin-712101.

Email- dm-hoog@nic.in

3. The Additional District Magistrate &
District Land and Land Reforms Officer,
Hooghly, having office at Jiban Paul's Garden,
Post Office Hooghly, District Hooghly,
Pin-712103, email _allrohugli@gmail.com

4. The Environmental Engineer &
In-Charge of West Bengal Pollution Control
Board, Hooghly Region, having office at
Himalaya Bhawan, Delhi Road, Dankuni,
Post Office Dankuni, District Hooghly,
Pin-712311 email – ee3.wbpcb-wb@bangla-gov.in



5. The West Bengal Pollution Control Board
Represented by the Chairman, having office

7

at Paribesh Bhawan, 10A, Block LA, Sector-III,

Bidhannagar, Kolkata-700106

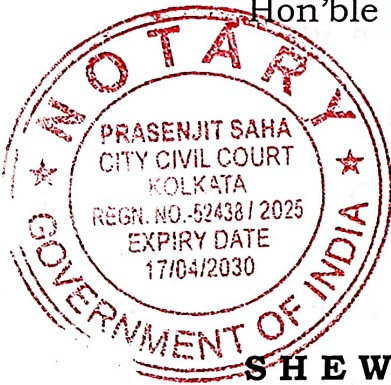
Email – chrnmn.wbpcb-wb@bangla.gov.in

.....Respondents

APPLICATION UNDER SECTION 18(1) READ WITH SECTION 14
OF THE NATIONAL GREEN TRIBUNAL ACT, 2010.

To

The Hon'ble Chairman and his Companion Members of the
Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.



The humble application on
behalf of the applicant
abovenamed most respectfully -

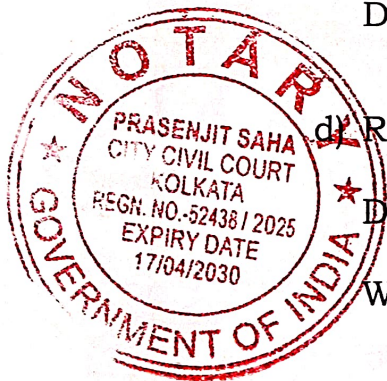
S H E W E T H :

1. The present application is being filed under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010 against the refusal of the respondent nos.4 and 5, particularly the respondent no.4 to issue consent to operate in favour of the

applicant's brickfield without assigning any reason and acting on the instructions of respondent nos.2 and 3, although the applicant had fixed and erected proper Pollution Control system and was given consent to operate and Environmental Clearance Certificate in respect of the brickfield on earlier occasions.

2. PARTIES :

- a) The applicant is the owner of a brickfield being M/s. Keota Brickfield Private Limited and resides at Village Keota Kultala, Post Office Sahaganj, Police Station Chinsurah, District Hooghly, Pin-712104.
- b) Respondent no.1 is the state of West Bengal, represented through the Principal Secretary, Department of Industry Commerce and Enterprise Government of West Bengal.
- c) Respondent no.2 is the District Magistrate, Hooghly District, West Bengal.
- d) Respondent no.3 is the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly District, West Bengal.



- e) Respondent no.4 is the Environmental Engineer & In-Charge of West Bengal Pollution Control Board, Hooghly Region, West Bengal.
- f) Respondent no.5 is the West Bengal Pollution Control Board, represented by the Chairman.

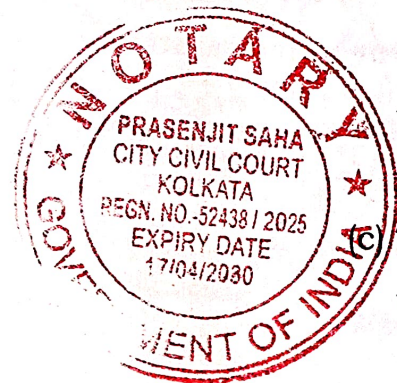
3. BRIEF FACTS “-

The brief facts leading to the filing of Captioned Application are as hereunder :-

- (a) That the applicant is a Citizen of India and resides permanently at the address mentioned in the cause title given at the present writ application.
- (b) The applicant is a lawful owner of the brickfield being M/s. Keota Brickfield Private Limited situated at Mouza Keota, J.L.No.07, Plot nos.8535, 8542, 8547, 8550, 8621, Police Station Chinsurah, District Hooghly, West Bengal. The said brickfield is operating on and from 1960 having two units in the leasehold plots.

Copy of the Deed of Lease is annexed herewith as Annexure “A.

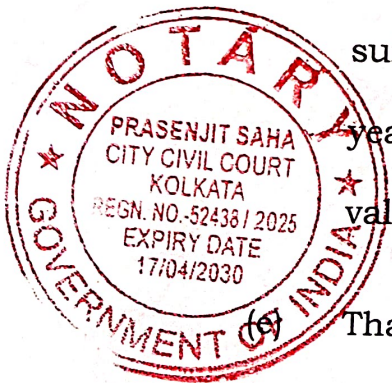
That the District Mining Authority of Hooghly all along treated the applicant’s brickfield as authorized and



regularized and accepted royalty on brick earth which is a demand under Mines and Minerals (Development and Regulation) Act, 1957. By such long operation of brickfield on the concerned plots the said plots have already been converted into mines and the business of the applicant is governed under the said Act of 1957.

- (d) That in respect of the plots in question, the applicant obtained the same from the Government of West Bengal under a valid lease initially for a period of 30 years in the year 1960. In the said lease although there was a renewal Clause but in the year 1990 the State authorities initially refused to renew the lease for which the applicant initiated legal proceeding being Title Suit No.51 of 2003 in the Court of the learned Civil Judge (Junior Division) Additional Court, Hooghly, West Bengal through the applicant's father and pursuant to the Judgment and Decree passed in the said suit, the renewal of the lease in question was granted in the year 2007 for a further period of 30 years and the same is valid and operative till 2037.

That the Department of Land & Land Reforms, Government of West Bengal, by Circular dated 29.09.2000 and the



Corrigendum to the said Circular dated 02.02.2001 had granted regularization to all the brickfields which came into operation on or before 01.09.2000 and/or in respect of which, there is any order from the Hon'ble Court of law allowing the brickfields to continue to operate and in terms of the said Circular, the brickfield of the applicant stands regularized.

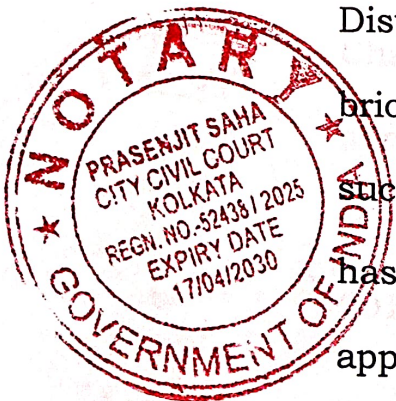
Photostat copies of the said Circular and the Corrigendum to the said Circular are annexed herewith and collectively marked as Annexure "B".

- (f) That the applicant is a member of the Bengal Brickfield Owners' Association, a Company incorporated under the Companies Act, 1913 and as such the applicant is entitled to the benefits of the Judgments and orders obtained by the said Association from the Hon'ble High Court at Calcutta beign C.O.No.4760 (W) of 1991 and W.P.No.992 (W) of 2003, by which the applicant is entitled to operate brickfield upon payment of usually assessed royalty without any disturbance created by the respondent State authorities.



Photostat copies of the aforesaid Judgments and Orders are annexed herewith and marked with the letter "C" and "D", respectively.

- (g) That the applicant took all measures and erected pollution control system in accordance with the Guidelines of the West Bengal Pollution Control Board and constructed high draught chimney of appropriate height and zig-zag technology in the brick kiln. On applicant's application and upon payment of necessary fees, West Bengal Pollution Control Board went on issuing necessary consents to operate the brickfield upto the year 2015.
- (h) That the applicant as a Member of Bengal Brickfield Owners' Association is always active for the welfare and protection of the members of the said Association and all along showing activity against the arbitrary and coercive steps taken by the District Mining Authority in West Bengal against the brickfield business of the members of the said Association. As such, the District Mining Authority in the District of Hooghly has become very much hostile and vindictive with the applicant and caused various disturbances and harassment

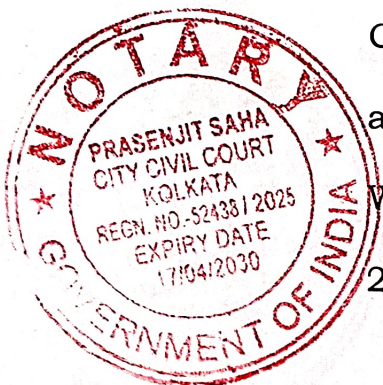


to the applicant in respect of the brickfield operation in question.

- (i) That the applicant duly applied for issuance of Environmental Clearance Certificate and for such purpose, the applicant's mining plan was duly approved. Subsequently, the Environmental Clearance Certificate was also issued in favour of the applicant.

Photostat copies of the relevant part of the applicant's mining plan duly approved and the Environmental Clearance Certificate are annexed herewith and marked as Annexure "E" and Annexure "F", respectively.

- (j) That during the year 2013 in flagrant violation of the Judgment's and orders obtained by the applicant's Association, the District Mining Authority claimed price on brick earth from the applicant at an arbitrary high rate. Challenging inter alia, such claim, the applicant moved a writ application before the Hon'ble High Court at Calcutta being W.P.No.37821 (W) of 2013 and by an order dated 8th January, 2014, His Lordship the Hon'ble Justice Sanjib Banerjee (as



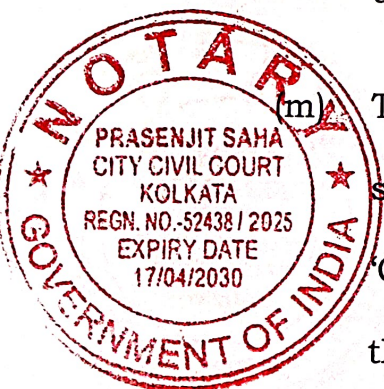
His Lordship then was) was pleased, inter alia, to direct that the subject to the applicant's putting an amount of Rs.5,00,000/- by way of fixed deposit in any Nationalized Bank, the State will not interfere with the applicant's business if the business is conducted in accordance with law. In compliance with the said order, the applicant made such deposit.

- (k) That thereafter again a Certificate Proceeding was initiated by the District Mining Authority against the applicant on alleged ground of demand of land revenue on the plots of brickfield. Challenging inter alia the said demand and proceedings, the applicant moved another writ application before the Hon'ble High Court, Calcutta being W.P.No.30030 (W) of 2015 and by an order dated 23.12.2015, His Lordship the Hon'ble Justice Sanjib Banerjee (as His Lordship then was) was pleased inter alia to pass interim order directing that the applicant would be permitted to deposit 50% of the claim amount by fixed deposit to any nationalized bank within a fortnight free from all encumbrances and in compliance of the said order, the applicant duly made the fixed deposit.



- (l) That on and from the year 2016, the District Mining Authority arbitrarily started to show inaction to dispose of the applicant's application for 'Consent to Operate' on the alleged ground that the applicant had moved before the Hon'ble Court against the demands of the District Mining Authority and opined that unless the aforesaid writ application being W.P.No.37921 (W) of 2013 and W.P.No.30030 (W) of 2015 were withdrawn and all payments were made in terms of the aforesaid demand, the applicant's application for 'Consent to Operate' would not be issued. Under such coercive stand of the District Mining Authority, the applicant was compelled to initiate a proceeding before the Hon'ble National Green Tribunal, Eastern Zone against the inaction to issue 'Consent to Operate' being O.A.N.133 of 2016/EZ and obtained necessary orders.

Copy of the order passed in the said Original application is annexed herewith as Annexure "G".

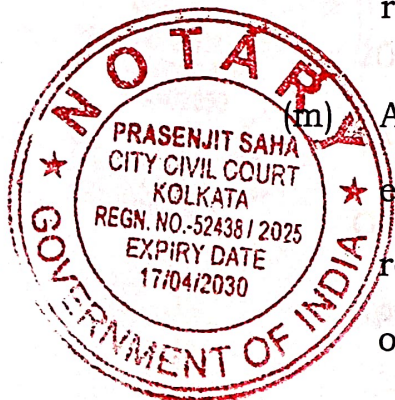


(m) That in the year 2017 also again the respondents started to show inaction to dispose of the applicant's application for 'Consent to Operate' even after payment of necessary fees by the applicant for this purpose. As such, the applicant had to

make another application before the Hon'ble National Green Tribunal being O.A.No.147 of 2017/EZ but even after passing of the Judgment and order by the Hon'ble National Green Tribunal, Eastern Bench in this regard, the respondents did not issue 'Consent to Operate' in favour of the applicant, initially on the alleged ground that the applicant's writ proceedings in connection with the demand notices were pending before the Hon'ble Court, although in every year, the applicant paid necessary fees for such purpose. The applicant made necessary payments of the application fees for obtaining 'Consent to Operate' upto the year 2028 and at present, the West Bengal Pollution Control Board is issuing consent to operate and the present consent to operate is valid till April, 2026.

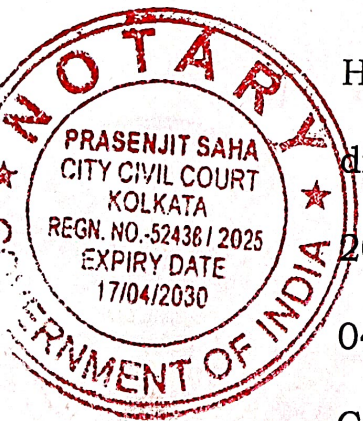
Copy of the order passed complying the order of the Hon'ble Tribunal and copy of the last 'Consent to Operate' is annexed herewith and marked as Annexures "H" and "I", respectively..

Although the respondents were accepting royalty on brick earth from the applicant for the last few years, the respondents started to issue demand notices claiming price on brick earth by treating the business of the applicant as



unauthorized without disclosing the specific reason for not treating the said business as regularized and opined that unless such payments of price on brick earth are made by the applicant, the applicant would not be allowed to operate the brickfield and under such compelling circumstances, the applicant was compelled to make such payment.

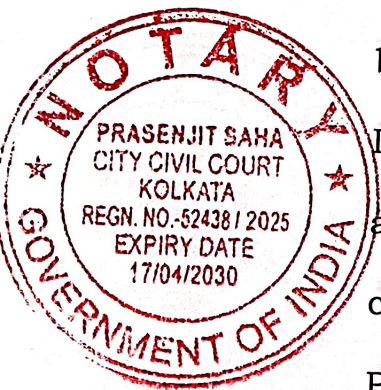
- (n) That during the year 2017 a First Information Report was lodged against the applicant in a mala fide manner being First Information Report No.87 of 2017 dated 27.02.2017 in connection with Chinsurah Police Station Case No.87 of 2017 under Sections 379/411/414 of the Indian Penal Code. Challenging the maintainability of the said First Information Report, the applicant moved a criminal revisional application before this Hon'ble Court being C.R. R. No.637 of 2017 and by an order dated 27th February, 2017 His Lordship the Hon'ble Justice Joymalya Bagchi was pleased inter alia, to direct stay of all further proceedings of G.R. Case No.327 of 2017 and subsequently by the Judgment and Order dated 04.10.2024, His Lordship the Hon'ble Justice Ajay Kumar Gupta was pleased inter-alia to allow the Revisional Application inter-alia by quashing the said proceeding.



Photostat copy of the aforesaid order dated 04.10.2024 is annexed herewith and marked as Annexure "J".

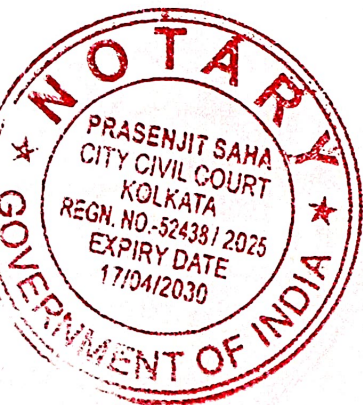
(o) That during the year 2021, the applicant duly paid royalty on brick earth according to the demand of the respondents. Due to the pendency of various judicial proceedings before this Hon'ble Court and the Judgments and orders passed therein from time to time, the District Mining Authority in all districts of West Bengal had stopped formal issuance of quarry permit and are allowing all the brickfield owners in West Bengal to operate the brickfield upon acceptance of royalty and without formal issuance of quarry permit and in the same manner, the applicant was also allowed till 2025 to operate the brickfield upon payment of necessary lawful dues to the Government and without formal issuance of quarry permits and at present the applicant has no mining due.

(p) That in 2021, in order to harass the applicant by closure of business in an illegal and malafide manner, a First Information Report was lodged against the applicant on the alleged ground of unauthorised extraction of brickearth. In connection with the same, Chinsurah Police Station initiated Police Station Case No.453 of 2021 dated 26.10.2021.



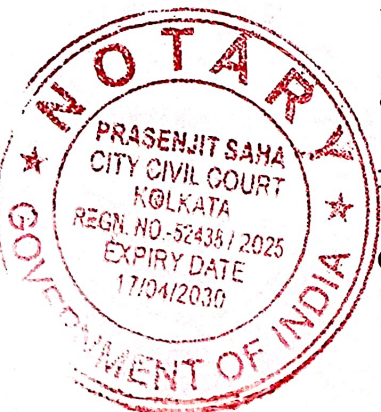
Accordingly G.R. Case No.2395 of 2021 was initiated in the Court of the Learned Chief Judicial Magistrate, Hooghly and the applicant is contesting the same. Till date, no order is passed by the learned Criminal Court against the running of applicant's brickfield.

- (q) That at the commencement of the business year 2025-2026, the applicant was informed by the respondents that the royalty on brickearth would be received and accepted only through brickfield module online payment gateway by opening of access of ID number. Accordingly the applicant submitted all papers and necessary particulars required for opening the ID number. The same were duly accepted and the concerned authority duly allotted ID number APP10138 to the applicant's brickfield on 17.11.2025 by duly registering the said brickfield in the online portal and necessary brickfield Acknowledgement Receipt was generated. But thereafter in a malafide manner, the portal was blocked, for which the applicant could not pay the royalty. As such the applicant had to move another writ application before the Hon'ble High Court at Calcutta being WPA No.1006 of 2026 and had to obtain necessary order.



(r) That for the purpose of obtaining fresh Environmental clearance certificate, the applicant had already submitted application before the appropriate authority for obtaining approval of applicant's progressive mining closure plan and the said application is still pending.

(s) That the applicant on 04.02.2026 submitted application for issuance of consent to operate before the respondent no.4 in prescribed format for which necessary fees were also paid. The same was duly received at the office of the respondent no.4 on 05.02.2026. But thereafter the said respondent on 09.03.2026 informed the applicant that no consent to operate would be issued in favour of applicant's brickfield. After filing of the said application, the applicant was continuously keeping contact with the office of the respondent no.4. But the applicant came to know on 09.03.2026 that the respondent no.4 has been instructed by the respondent nos.2 and 3 not to issue fresh consent to operate in favour of the applicant's brickfield on the alleged ground that against some decisions and demands relating to payment of royalty and price on brick-earth, the applicant had initiated judicial proceedings



which are still pending before the Hon'ble High Court at Calcutta and the applicant did not withdraw the said cases.

Copy of the applicant's forwarding letter having submission of formal application is annexed herewith and marked as Annexure "K".

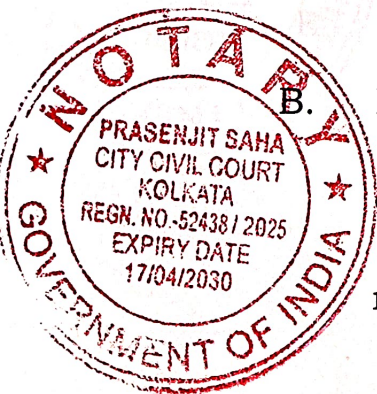
Hence the Captioned application.

4. GROUNDS :

Being aggrieved, the applicant has filed the present application inter-alia on the following grounds, which are in alternative and without prejudice to each other :

A. For that the legal principles for issuance of consent to operate brickfields is to ascertain whether proper pollution control system has been set up or not and the same cannot be governed by any other extraneous issue.

B. For that the applicant having adopted proper pollution control system in compliance of the guideline of the respondent no.5 Board and necessary 'Consent to Operate'



issued on earlier occasions, it is proved that the applicant is entitled to get the fresh 'consent to operate'.

- C. For that the disputes and/or issues regarding payments of royalty and/or price on brickearth has no connection with the question of pollution control and pendency of cases on the questions of claims of royalty and/or price on brickearth cannot operate as a bar or disqualification for the applicant to get the 'consent to operate' and as such the applicant is entitled to get such consent.

- D. For that till now there is no order from any Hon'ble Court prohibiting the operation of the applicant's brickfield operation and as such the applicant is entitled to get the consent to operate afresh.

For that applicant's application for consent to operate having been verbally rejected on instruction of other officers, the same is violative of the principles of Natural Justice as well as non transparent and collusive and the



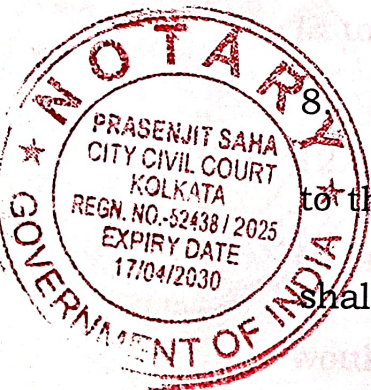
respondent no.4 cannot but allow the said application forthwith by issuance of necessary consent to operate.

5. The applicant has not preferred any other application on the self-same cause of action before any other Hon'ble Court.

6. The applicant's application for consent to operate having been received at the office of the respondent no.4 on 05.02.2026, the refusal to issue the same having been communicated on 09.03.2026 the present application is being filed within time as prescribed under Section 14 of the National Green Tribunal Act, 2010.

7. This Hon'ble Tribunal also has the power and jurisdiction to receive, try and determine the present application as the same falls within the subject matter prescribed under the said Act.

There is no other alternative or efficacious remedy available to the applicant and the reliefs as prayed for herein, if granted, shall do complete Justice to the applicant.



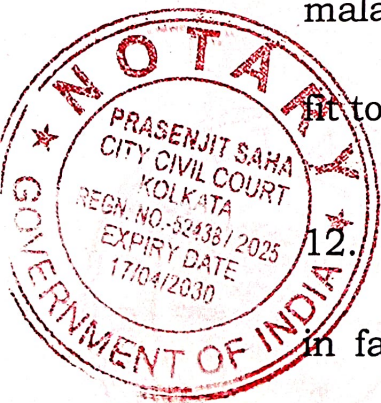
20 24

9. That the records of the present case are lying in the offices of the respondent authorities situated within this Hon'ble Tribunal's jurisdiction. Hence this Hon'ble Tribunal has the territorial jurisdiction to receive, try and determine the present application.

10. There is extreme urgency in the matter as brickfield business is a seasonal one which commences from December and continuous till the commencement before the rainy season and after the expiry of the present consent to operate, applicant's business shall be completely stopped unless the fresh consent to operate is granted in the meantime.

11. The impugned refusal of the respondent no.4 is completely malafide and the applicant's application for consent to operate is fit to be allowed by the said respondent.

12. The balance of convenience and inconvenience is entirely in favour of the applicant herein and no prejudice whatsoever would be caused to the respondents if relief prayed for herein are



granted whereas grave prejudice and irreparable loss would be caused to the applicant due to huge loss if relief as prayed for are not so granted.

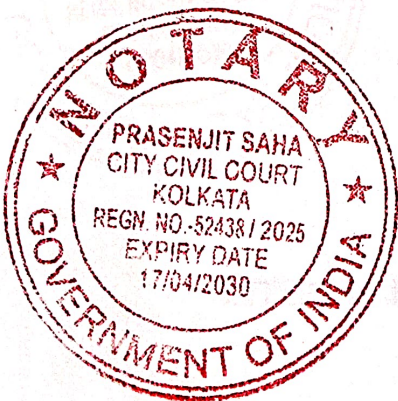
13. That the present application is made bonafide and in the interest of Justice.

LIMITATION :

The applicant declares that as per the National Green Tribunal Act, 2010, the captioned application is well within the prescribed period of Limitation. The cause of action arose due to refusal by the respondent no.4 to issue consent to operate and hence the captioned application.

PRAYER :

In view of the aforesaid facts, circumstances and grounds, it is humbly prayed that the Hon'ble Tribunal be pleased to -

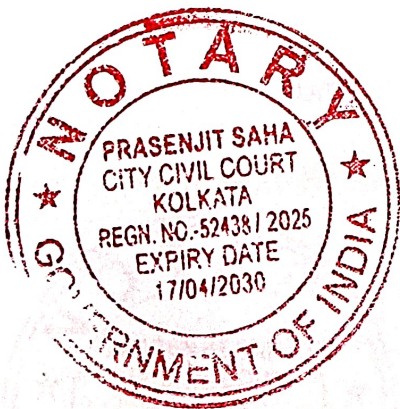


a) Direct the respondents, particularly the respondent no.4 to allow the applicant's application for consent to operate made annexure 'K' herein by granting fresh consent to operate applicant's brickfield in question;

b) Direct the respondents to transmit and authenticate the records of the case to this Hon'ble Tribunal so that conscionable Justice may be administered by passing any other necessary order;

c) Direct the respondents not to take any coercive action against the applicant in any manner whatsoever;

d) Pass any other order or orders as the Hon'ble Tribunal may deem fit and proper.



INTERIM RELIEFS :

- a) An interim order directing the respondents, particularly the respondent no.4 to take steps for allowing of applicant's application for consent to operate made annexure 'K' herein.
- b) An interim order directing the respondents, their men, agents, assigns and subordinates not to take any coercive step against the applicant in any manner whatsoever till the disposal of the present original application.

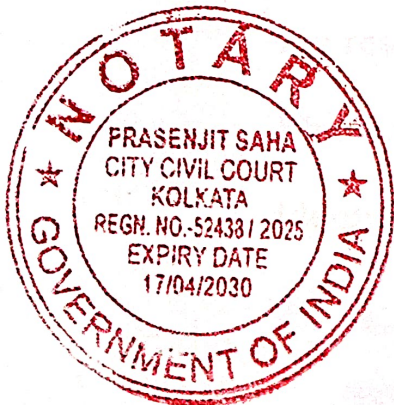
KOLKATA

DATE: 12/3/26

Manu Pratap Singh

BY THE APPLICANT

Pinaki Ranjan Chakrabarti
Advocate



~~24~~ 28

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

[An application under Section 18 (1) read with Section 14 of the
National Green Tribunal Act, 2010.]

ORIGINAL APPLICATION NO. OF 2026;

In the matter of:

Bhanu Pratap Singh,Applicant

-Versus-

The State of West Bengal & Ors.Respondents

VERIFICATION

I, Bhanu Pratap Singh, Son of Late Dineswar Singh,
residing at Keota, Kultala, Post Office Sahaganj, District
Hooghly, Pin.-712104 the applicant abovenamed, do hereby
verify that the statements contained in the foregoing paragraph
nos.1 to 3, 4 to 13 are true to my knowledge and the rests are
my respectful submissions before this Hon'ble Tribunal and that
I have not suppressed any material fact.

Identified by me,

Bhanu Pratap Singh

Pinaki Ranjan Chakrabarti

Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

[An application under Section 18 (1) read with Section 14 of the
National Green Tribunal Act, 2010.]

ORIGINAL APPLICATION NO. OF 2026;

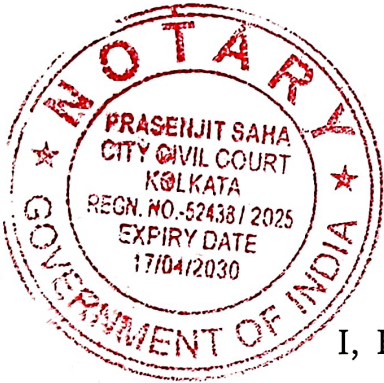
In the matter of:

Bhanu Pratap Singh,Applicant

-Versus-

The State of West Bengal & Ors.Respondents

AFFIDAVIT



I, Bhanu Pratap Singh, Son of Late Dineswar Singh, aged about 48 years, by faith Hindu, by occupation business, residing at Keota, Kultala, Post Office Sahaganj, District Hooghly, Pin.-712104, do hereby solemnly affirm and say as follows:-

1. That I am the applicant abovenamed and as such I am well acquainted with the facts and circumstances of the case.
2. That the statements made in paragraph Nos.1 to 3, 4 to 13 are true to my knowledge and the rests are my humble submissions before this Hon'ble Tribunal.

Prepared in my office.

Bhanu Pratap Singh

Deponent

Pimaki Ranjan Chakrabarti

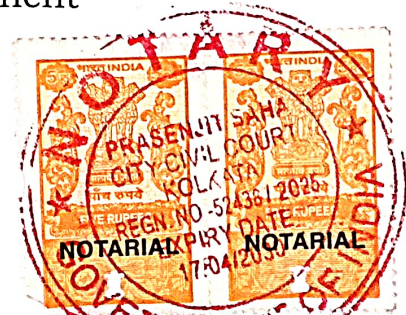
Advocate

Solemnly affirmed and declared
Before me on Identification

Bala

PRASENJIT SAHA
Notary, Kolkata, Govt. of India
Regn No -52438 / 2025

12 MAR 2026



1

भारतीय न्यायिक

Annex A

एक सौ रुपये

Rs. 100

ONE 30

₹. 100



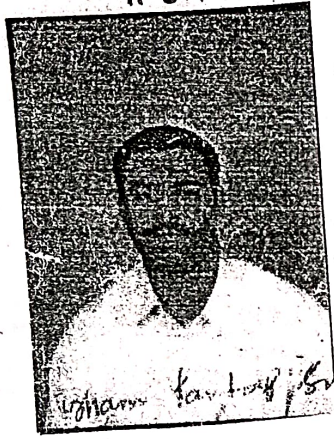
सत्यमेव जयते

HUNDRED RUPEES

भारत INDIA
INDIA NON JUDICIAL

B 452322

पश्चिमबङ्ग पश्चिम बंगाल WEST BENGAL



Manmohan Prasad Singh

Shri Prakash Chandra Banerjee, Advocate, District Court, Hooghly, West Bengal, is the son of Late Mr. Chandra Prasad Banerjee, late of the village of ...
 (1) The State of West Bengal, District of Hooghly, P.O. ...
 (2) District Collector, Hooghly, West Bengal, is the ...
 (3) The ...
 (4) ...
 (5) ...
 at P.O. ...
 Hooghly

Prakash Chandra Banerjee
 Civil Judge (Junior Division)
 Additional Court, Hooghly

// LEASE DEED //

THIS DEED OF LEASE is made on the 19th day of February,

Two Thousand Seven.

BETWEEN

Admission Under Rule 21 and ...
 W.P.L.R. 1/31 ...
 under the Indian Stamp Act, 1899 ...
 P. 199 in C.F.S.

GOVERNOR OF WEST BENGAL (hereinafter called the "LEASOR")

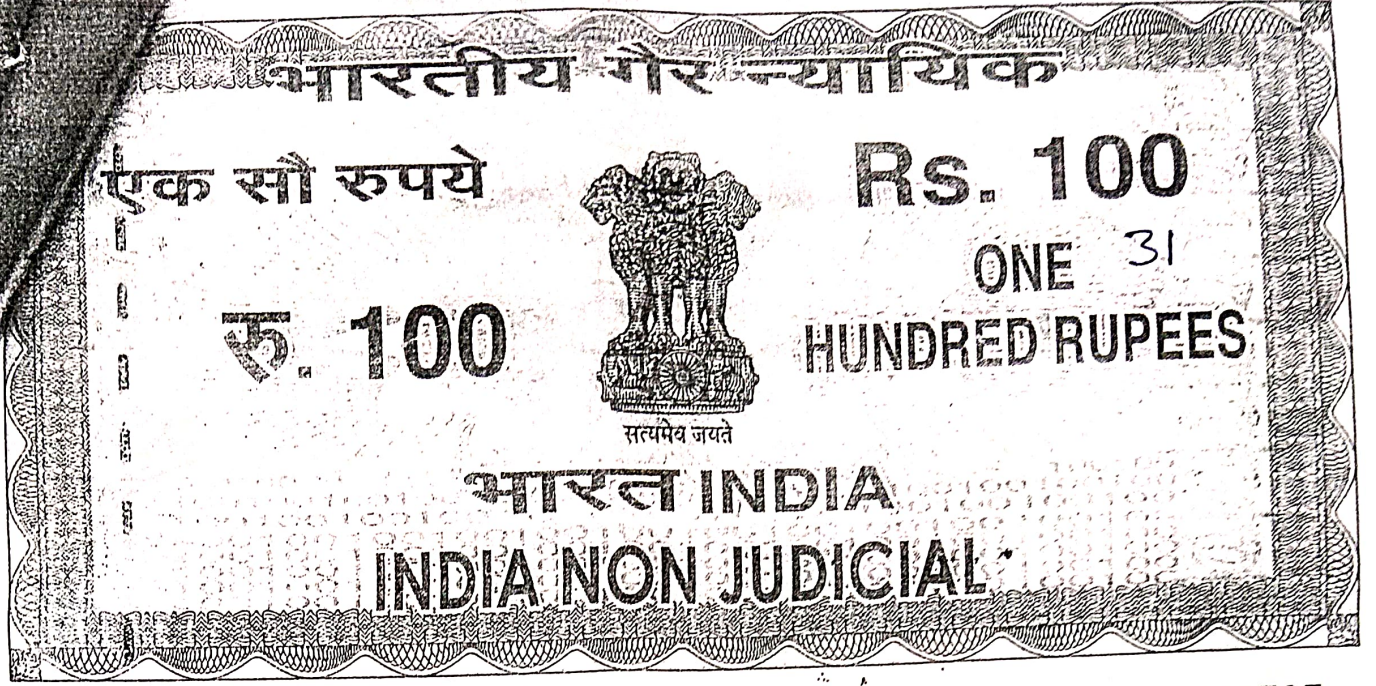
67/1
 41
 35 A
 A 351

Manmohan Prasad Singh

KEOTA BRICK FIELD PVT. LTD.
Manmohan Prasad Singh

Director

Cont'd.



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL

B 452323



सिब कुमारी देबि सिंह

11 2 11

A N D

- (1) SMT. SIB KUMARI DEBI SINGH, widow of Late Dineswar Singh, by Caste - Hindu (Indian), by Profession - Household Affairs,
- (2) SRI BHANU PRATAP SINGH son of Late Dineswar Singh, by Caste - Hindu (Indian), by Profession - Business, both residing at Keota, Kultala, P.O. Sahaqanj, P.S. Chinsurah, Dist. Hooghly (hereinafter called the 'LESSEE') on the terms and conditions mentioned hereunder

Cont'd.../E

KEOTA BRICK FIELD PVT. LTD.

Mam Kantaf Singh
Director



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

02AA 491208

// ৩ //

WHEREAS the Lessee whose predecessor Sri Agni Singh was formally in possession of the properties mentioned in the scheduled below by virtue of a temporary settlement for 3 years ranging from 1.4.46 to 31.3.1949 and who had expressed a desire to take on lease the properties mentioned in the scheduled below for the purpose of manufacturing bricks on the land and premises demised and the Lessor had agreed thereto and executed and registered a Deed of Lease in favour of Agni Singh on 19.12.1960 for a period of 30 years.

AND WHEREAS in the said registered deed of lease, there is a clause of right of option for renewal for the lease was given.

Cont'd..../4
KEOTA BRICK FIELD PVT. LTD.
Mam Babbar Singh
Director

AND WHEREAS Agni Singh, during the lease period, died on 10.05.1985, leaving behind his two sons Dineswar Singh and Dinanath Singh who have tried to exercise such option for renewal of lease.

AND WHEREAS the Lessor refused to grant further lease, so the said Dineswar Singh and Dinanath Singh filed Title Suit No.223 of 1999 in the Court of the Civil Judge (Junior Division), First Court, Hooghly, against the State of West Bengal.

AND WHEREAS the said Title Suit was subsequently transferred to the Court of Civil Judge (Junior Division), Addl. Court, Hooghly for disposal and the said suit was numbered as Title Suit No.51 of 2003.

AND WHEREAS the said Title Suit was decreed in the Court of the Civil Judge (Junior Division), Addl. Court, Hooghly by Order dated 29.05.2004.

AND WHEREAS in compliance with the order of the Ld.Court, the Lessor has agreed to lease and the lessee has agreed to take on lease.

NOW THIS DEED WITNESSETH :-

1. In consideration of the terms and conditions mentioned below and of the payment of annual rent reserved under this lease, the Lessor hereby demise, transfer, convey by way of lease unto the said Lessee the quantity of land measuring about 6.399 dec.covered presently by the four Tou-ris under Hooghly Collectorate described below and to hold and use the same in the manner and for the purpose

Shree
 TA BRICK FIELD PVT. LTD.
Ashwani Paul
 Director

of making and manufacturing the bricks thereof for a period of 30 years (thirty years) commencing from the 1st day of March, 2007. The Lessee shall be entitled to excavate the earth, soil and sub-soil upto a depth of 10' (Ten Feet) from the highest point of the raised land. The Lessee shall be entitled to make use of the earth of soil so excavated for the purpose of manufacturing bricks and other purpose.

2. The Lessee shall be entitled to erect any structure whether of bricks or other building materials or of wood of tin etc. for his use subject however to regulations or bye laws of local or other authority.

3. The Lessee shall comply with all rules and regulations and bye-laws of any local, state or Central Authority in respect to sanitation or otherwise and shall keep the Lessor indemnified for any breach of such rules and bye-laws.

4. The Lessee shall pay all rates, taxes and charges leviable in respect of the property demised or of the use thereof and shall keep the Lessor indemnified in default thereunder.

5. The Lessor shall be entitled to all minerals or such other substances as may not be used for the purpose of manufacturing bricks and for such purposes, the Lessor shall be entitled to inspect and make experiments for the purpose of ascertaining and excavation of such other minerals and for such purpose, the Lessee shall allow access at all reasonable hours to the Lessor of his Agents.

Shank

KEOTA BRICK FIELD PVT. LTD.
Ramesh Lal
Director

6. The Lessee hereby covenant with the Lessor :-

35

(a) That the Lessee shall pay regularly every year in advance a sum of Rs.1,441.20P (Rupees One Thousand Four Hundred Forty-one and twenty paise) only as rent for the leased out property as described below on or before the 31st day of March of each year and on failure to pay the same for 3 consecutive years, the Lessor shall be entitled to forfeit the lease hereby granted to the Lessee in which case they shall be liable to be evicted forthwith and shall be bound to give possession of the properties to the Lessor with such compensation as he may be entitled to.

(b) The Lessee shall not sub-let or assign their interest in the lease to any other person without the previous consent in writing of the Lessor who may refuse to grant such lease for any reasons whatsoever. In case of the breach of this condition, the Lessor shall be entitled to forfeit the unexpired portion of the leasehold and recover possession of the property and claim such compensation as he may be entitled to.

(c) The term Lessee shall include the heirs and successor-in-interest of the Lessee.

(d) The Lessee will have the option of renewal of the lease on the terms and conditions as enumerated but subject to revision of rent in accordance with the law for the time being in force.

(e) That the demised property is bordered by red border in the map attached herewith and which map will be treated as a part and parcel of this deed.

IN WITNESS WHEREOF the parties abovenamed have signed this Lease in token of acceptance and affirmance thereof.

KEOTA BRICK FIELD PVT. LTD.

Rohan Pantap

Director

Cont'd..../7

// SCHEDULE OF THE PROPERTY //

ALL THAT piece and parcel of land measuring a total area of 6.399 Acres in Touzi Nos.2050 to 2055 of Hooghly Collectorate (Char-Khamarpara) comprises of Settlement Dag Nos.3069, 3131, 3076, 3134, 3229, 5922, 5923, 3226, 3221, 3218, 3229, 3232, 3131, 3153, 3145, 3137, 3127, 3136, 3135, 3134, 3132, 3074, 3227, 3230, 3139, 3153, 3152, 3138, 3142, 3149, 3075, 3144 with other Dags of Mouza - Keota, J.L.No.7, Sheet No.17 and 18 with P.S. Chinsurah, Dist. Hooghly and being Municipal Holding No.361/324 and 360/323, Mohalla-Mallick Jayanti Bag in Ward No.2 of the Hooghly-Chinsurah Municipality, and said area is marked by RED border in the Map attached hereto.

Signed, Sealed and Delivered in the presence of :-

1. Gayaram Biswas.
Chinsurah Court.

2. Partha Mukherjee
215, Bikram Nagar, Hooghly 712113

Handwritten notes:
The Prothonotary Ch. Baraman Civil Judge (Jr) in Additional Court, Hooghly on behalf of Govt in Ex. 10105 and out of 15 silds of this Court District of W.B. represented by collector Hooghly P.O. Chinsurah District Land and Land Revenue Officer having his office at Dibrani Road, Bagan, P.O. P.S. Chinsurah, Dist. Hooghly. The Block Land and Land Revenue Officer, Hooghly Block having his office at Dibrani Bag and Bagan P.O. P.S. Chinsurah of Hooghly Dist. Hooghly. The District Revenue Officer, Hooghly Block having his office at Dibrani Bag and Bagan P.O. P.S. Chinsurah of Hooghly Dist. Hooghly.

Additional (Guarantors) OF THE LESSOR

1. *Signature of K. M. Singh*
2. *Signature of Bhanu Parthap Singh*

Drafted by me:
Sitaichandra Ghosh
Advocate,
Judges' Court, Chinsurah, Hooghly,
Regn.No. W. B 1199/1979.

(SIGNATURE OF THE LESSEE)

Typed by me
Ajoy Chakraborty
(Ajoy Chakraborty)
Chinsurah Court Premises.

KEOTA BRICK FIELD PVT. LTD.
Bhanu Parthap Singh
Director

দুই হাতের আঙ্গুল-এর ছাপ (টিপ)

ক্রোতা / বিক্রোতা / দাতা / গ্রহীতা

৩৭

বাঁ হাতের আঙ্গুল-এর ছাপ (টিপ)		ডান হাতের আঙ্গুল-এর ছাপ (টিপ)	
	(১) বৃদ্ধাঙ্গুলী	(১) বৃদ্ধাঙ্গুলী	
	(২) শুক্রাঙ্গুলী	(২) শুক্রাঙ্গুলী	
	(৩) মধ্যমা	(৩) মধ্যমা	
	(৪) অনামিকা	(৪) অনামিকা	
	(৫) কনিষ্ঠা	(৫) কনিষ্ঠা	

Bhanu Pantap Singh

স্বাক্ষর

[যে ব্যক্তির দুই হাতের আঙ্গুল-এর ছাপ (টিপ) জওয়া হইল]

KEOTA BRICK FIELD PVT. LTD.

Bhanu Pantap Singh

Director

দুই হাতের আঙ্গুল-এর ছাপ (টিপ)

জেতা / বিজেতা / দাতা / গ্রহীতা

38

বাঁ হাতের আঙ্গুল-এর ছাপ (টিপ)		ডান হাতের আঙ্গুল-এর ছাপ (টিপ)	
	(১) বৃদ্ধাঙ্গুলী	(১) বৃদ্ধাঙ্গুলী	
	(২) শুক্রাঙ্গুলী	(২) শুক্রাঙ্গুলী	
	(৩) মধ্যমা	(৩) মধ্যমা	
	(৪) আনামিকা	(৪) আনামিকা	
	(৫) কনিষ্ঠা	(৫) কনিষ্ঠা	

প্রতিষ্ঠানটির নাম

স্বাক্ষর

[যে ব্যক্তির দুই হাতের আঙ্গুল-এর ছাপ (টিপ) লওয়া হইল]

KEOTA BRICK FIELD PVT. LTD.






Mam Faruk Bm

Director

Two-finger print (tip)

39

Buyer | Seller | Donor / Recipient

Left hand fingerprint (tip)		Right hand fingerprint (tip)	
	(1) Elderly	(1) Thumb	
	(2) Anamika	(2) Anamika	
	(3) Median	(3) Median	
	(8) Anamika	(8) Anamika	
	(5) Junior	(5) Junior	

Partaf signed _____

Signature

[The person whose fingerprints (tips) were taken]

KEOTA BRICK FIELD PVT. LTD.











Manan Parbat

Director

Two-finger print (tip)

Buyer | Seller | Donor / Recipient

40

Left hand fingerprint (tip)		Right hand fingerprint (tip)	
	(1) Elderly	(1) Thumb	
	(२) प्रमङ्गनी	(२) प्रमङ्गनी	
	(3) Median	(०) Median	
	(8) Anamika	(8) Anamika	
	(5) Junior	(5) Junior	

Signature

[The person whose fingerprints (tips) were taken from both hands]

KEOTA BRICK FIELD PVT. LTD.

Prakash Kantap Singh

Director

Annexure B

ANNEXURE A

41

30

Government of West Bengal
Land & Land Reforms Department
Writers Buildings
Land Reforms Branch

Dated, Calcutta the 29th Sept., 2000

No.2789(10)-L

From : The Joint Secretary to the Govt of West Bengal.

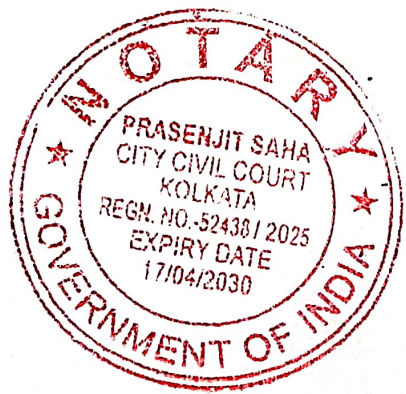
To : The District Land & Land Reforms Officer,
North 24-Parganas,
P.O. Barasat, Dist. North 24-Parganas.

Sub. : Matters pertaining to regularization of unauthorized brick fields./

The problem of operation of unauthorized brickfields has been engaging the attention of the Government over the last several years. In the past, the problem led this Department to issue a number of circulars prohibiting operation of brickfields on agricultural land. But despite all provisions in the relevant Rules and executive instructions preventing unauthorized brickfields from being established, such brickfields are found to have come up and many of them continue to operate. Such brickfields frequently destroy the top soil of agricultural land irremediably. As a matter of fact, some of such brickfields that have been in operation for a considerable period and thereby have already damaged the top soil to such an extent that the concerned parcels of land are no longer useable for agricultural purpose, unless great efforts are made to render them fit for agriculture again. The State Government has been considering the pros and cons of various ways and means of protecting the overall interests of the State while simultaneously balancing the broad environmental considerations vis-à-vis operation of the brickfields described above.

2. After giving careful consideration to all aspects of the matter, the undersigned is directed by order of the Governor to state that the Governor has been pleased to direct to regularize the following two types of brickfields that have remained unauthorized so far -

- (1) the brickfields which have been operating since 1965 and afterwards and which are established on agricultural land but due to continuous mining of earth and filling of kura and chulla on such lands, such land are no longer useable for agriculture and can not be reclaimed for agricultural use in foreseeable future and



13

31

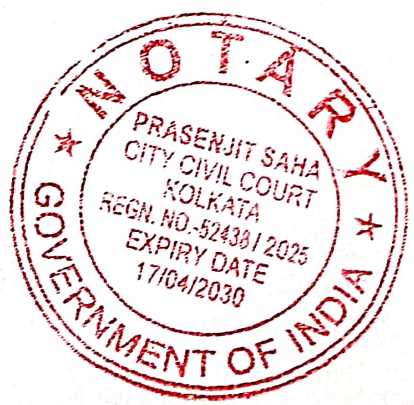
(2) the brickfields which have been operating on low grade agricultural land like Danga, Baluchar, etc.

3. The undersigned is further directed to state that before any such brickfields it regularized the following conditions must be first satisfied:-

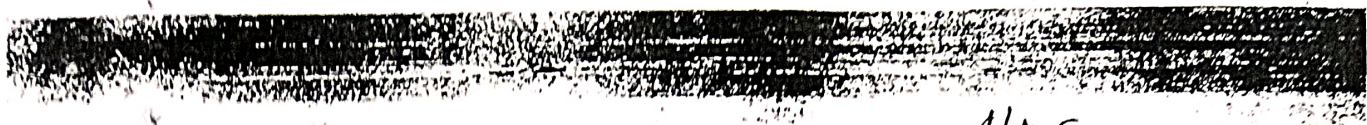
(1) If the brickfield is located on any land that is marked as agricultural land in the ROR, the prime requirement for possible regularization is to establish the usability of the land for the purpose of agriculture through a field inspection. This stipulation holds good irrespective of the exact classification of the agricultural land as might be mentioned in the ROR (i.e. Shali/Badi/Kanabity etc.)

If a field inspection reveals that a plot of land, originally, shown as agricultural land in the ROR, has actually been rendered unfit for agriculture, because of inter-alia, continuous operation of a brickfield on that land and further that the same plot cannot be reclaimed for agriculture in the foreseeable future, then the Revenue officer, having jurisdiction over the land in question and having the requisite legal authority, should change the classification of the land in question from agricultural to non-agricultural through an appropriate proceeding under the W.P.A. Act

(2) No brickfield, under any circumstances whatsoever, should be allowed to operate on orchard or forest land even where such land is not used at any given point of



37
43



14

32

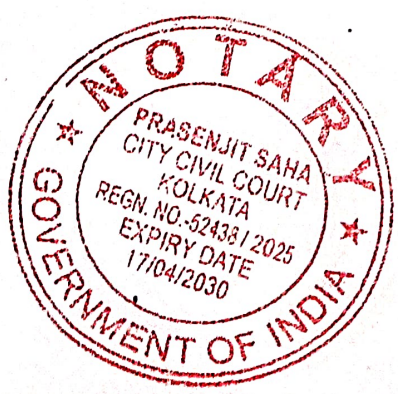
time, as orchard or forest. In other ~~cases~~ ^{cases} brickfield operating on a piece of land marked as orchard or forest in the ROR, should be regularized, and no change in the classification of land should be brought about by the Revenue Officer to accommodate any brickfield.

(3) The brickfield shall use silt/truth from only specified places, whenever the I & W Department/Zilla Parishad/CPT are in a position to earmark such places. The concerned DLLRO/SDLLRO shall indicate clearly those earmarked places to the brickfield(s).

(4) The brickfield must produce a 'No Objection Certificate' from the West Bengal Pollution Control Board (or any officer in the district who have been authorized by the letter to issue such a certificate after due examination of all environmental-related facts).

(5) The brickfield must produce a certificate from the concerned Panchayat Samiti having jurisdiction over the area to the effect that the surrounding agricultural/requisition potential will not be adversely affected and the local human habitation will not be unduly disturbed because of existence operation of the brickfield.

(6) The brickfield must produce a certificate from the concerned Public Works Department authorities/T&W Department authorities/power generating and/or distributing authorities/Zilla Parishad to the effect that the existence/operation of the brickfield will not cause any damage to any public road, particularly any highway or ODR, any bridge or culvert, any embankment or any other public utility where the brickfield is created within a distance of 250 metre in from the public road, bridge, culvert, embankment, other public utility.



35

(7) No brickfield that encroached ~~into any canal or~~ any channel or any other drainage or irrigation system, ~~either~~ natural or man-made, or diverts, or prevents free flow, of water, from those canals, channels, etc., or causes congestion of water in any way, will be regularized, whether any brickfield so encroached upon or diverts or prevents free flow of water or causes congestion in any manner shall be established any spot inspection and wherever necessary, in consultation with the concerned field level authorities in the State Government available in the district.

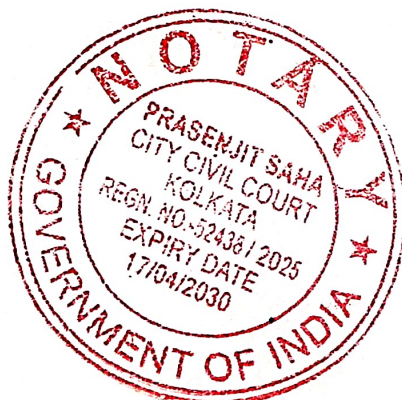
(8) A feasibility report from the concerned Mining Officer of the Mines and Minerals Directorate under the Commerce & Industries Department of the State Government should be obtained.

(9) The brickfield must pay all arrears price of brick earth/cess/taxes etc., within a out of date, to by indicated by the concerned Revenue Officer.

(10) In terms of Government of India's guidelines issued vide Notification NO.S.O.763(E) dated 14.09.1999 under T.P.Act, 1986, the use of 25% fly ash by weight has been advised for manufacturing of bricks within 30 km. radius of local basic Thermal Power Project mainly for environmental reason. Accordingly, it is instructed that no brickfield within 30 km. radius of coal based TPP should be regularized unless the brickfield uses 25% of fly ash by weight for manufacturing bricks.

(11) No brickfield which is operated on tribal land by non-tribal manufacturer with or without Power of Attorney shall be regularized.

4. The undersigned is also directed to state that ~~the~~ brickfield complete with the necessary ~~requirements~~, the DL & LRO will come the file to the DLROR who being satisfied that the requirements as applicable have been met will communicate clearance for issue of quarry permits.



395
45

34

5. The above guidelines will also apply to sand and morrum quarries with the exception that no conversion of land from agri to non-agri will be necessary for such quarries.

6. The undersigned is, therefore, directed to request him to take necessary steps for regularization of unauthorized brickfields in his district in accordance with the above guide-lines. Action against the most which will remain unauthorized, should be taken under the relevant provisions of the Mines and Minerals (Requisition and Development) Act 1957 and the West Bengal Minor Mineral Rules 1973 as amended upto date, unless there is any order from any Court of law which allows the brickfields to continue to operate. In the latter cases, all details of the court cases and the orders in this behalf are to be reported to the Land and Land Reforms Department separately.

Sd/-
Joint Secretary to the
Government of West Bengal.

No.2789(10)/I(23)-L.Ref.

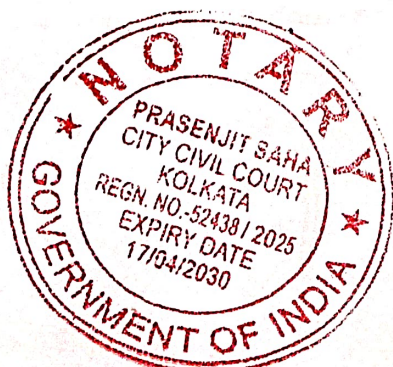
Dated : 29.9.2000

Copy forwarded for information and necessary action

to :

- 1) The Secretary to the Govt. of West Bengal,
Commerce and Industries Department.
- 2) The Controller General,Division,
- 3) The D.L. R. & C., West Bengal,
35, Gopalnagar Road, Alipore, Calcutta-700 027.
- 4) The District Magistrate & Collector,
.....

Sd/-
Joint Secretary to the
Government of West Bengal.



46

Typed Copy

Government of West Bengal
Land & Land Housing Department
Writers Banking
Land Reforms Branch

No.2789(10)-L

Dated, Calcutta the 29th Sept., 2000

From: The Joint Secretary to the Govt. of West Bengal.

To: The District Land & Land Reforms Officer,
North 24-Parganas,
P.O. Barasat, Dist. North 24-Parganas.

Sub: Matters pertaining to regularization of unauthorized brick fields.

The problem of operation of unauthorized brickfields has been engaging the attention of the Government over the last several years. In the past, the problem Department to issue a number of circulars prohibiting operation of us. On agricultural land. But despite all provisions in the and executive instructions preventing unauthorized being established, such brickfields found to have come up and many of them continue to operate. Such brickfields destroy the top-sad of agricultural land As a matter of fact, some of that have been in for a considerable period and thereby lane already damaged the top to such an extent that the of land are no longer useable for agricultural are made to render them has been considering the of protecting the overall balancing the operation of the for agriculture again. The pros and cons of various interests of the State environmental consideration an described above.

2. After giving to all aspects of the matter the undersigned is of the Governor to state that the following two Governor has been pleased to of brickfields that have refund do

(1) the brickfields afterwards and which we continuous mining of operating since 1985 and agricultural land but due to and on such lands, such land are no longer agriculture and cannot be reclaimed for agricultural use in land.

(2) the brickfields which have been operating on low grade agricultural land like Danga, Baluchar, etc.

3. The undersigned is further directed to state that before any such brickfields it regularized the following conditions must be first satisfied:-

(1) If the brickfield is located on any land that is marked as agricultural land in the ROR, the prime requirement for possible regularization is to establish the usability of the land for the purpose of agriculture through a field inequities. This stipulation holds good irrespective of the classification of the agricultural land as might be mentioned in the ROR (Le. Simil/Buid/Kanabilly atc.)

If a field inspection reveals that a plot of land, originally, shown as agricultural land in the ROR, has actually been rendered unfit for agriculture, because of inter-alis, contistaxes operation of a brickfield on that land and further that the same plot cannot be reclaimed for agriculture in the foreseeable future, than the Revenue officer, having jurisdiction over the land in question and having the requisite legal, should change the of the land in question from agricultural to non-agricultural through an appropriate proceeding under the WBLR Act

(2) No brick field where No brickfield, under any circumstances whatsoever, should be allowed to operate on orchard or forest land such land is not used at any given point of

time, as orchard or forest. In other field operating on a piece of land as orchard or forest in the ROR, should be regularized, and no change in the classification of land should be brought about by the Revenue Officer to accommodate any brickfield.

(3) The brickfield shall use wilt/truth from only specified places, whenever the I & W Department/Zilla Parishad/CPT are in a position to such places. The concerned DLLRO/SDLLRO shall indicate clearly those car marked places to the brickfield(s).

(4) The brickfield must produce a 'No Objection Certificate' from the West Bengali Pollution Control (or any officer in the district who have been authorized by the letter to Issue such a certificate after due examination of all environmental-related facts).

(5) The brickfield must produce a certificate from the concerned Panchayat Samiti having jurisdiction over the area to the effect that the surrounding agricultural/requisition potential will not be adversely and the local human habitation will not be unduly disturbed operation of the brickfield.

(6) The brickfield must produce a certificate from the concerned Department authorities/authorities/power and/or distributing authorities/ Parishad to the effect that the /operation of the brickfield will not cause damage to any public road, particularly any highway or ODR, any bridge or culvert, any embankment or any other public utility where the brickfield is created within a distance of 250 metre in from the public road, bridge, culvert, embankment, other public utility.

(7) No brickfield that encroach other drainage or irrigation system, either or man-made, or diverts, or prevents free flow, of water, from those canals, channels, etc., or causes congestion of water in any way, will be regularized, whether any brickfield so encroached upon or diverts or prevents free flow of water or causes congestion in any manner shall be established any spot inspection and wherever necessary, in consultation with the concerned field level authorities in the State Government available in the district.

(8) A feasibility report from the concerned Mining Officer of the Mines and Minerals Directorate under the Commerce & Industries Department of the State Government should be obtained.

(9) The brickfield must pay all arrear price of brick earth/cess/taxes etc., within a out of date. to by indicated by the concerned Revenue Officer.

(10) In terms of Government of India's guidelines issued vide Notification NO.5.0.763(E) dated 14.09.1999 T.P. Act, 1996, the use of 25% fly ash by weight has been advised for manufacturing of bricks within 30, radius local basic Thermal Power Project mainly for environmental season. Accordingly, it is that no brickfield within 30 km. radius of coal based TPP should be regularised unless the brickfield uses 25% of fly ash by weight for bricks.

(11) No brickfield which is operated on tribal land by non-tribal manufacturer with or without Power of Attorney shall be regularized.

4. The undersigned is also directed to state complete with the scents, some the file to the DL & ROR who being satisfied that the requirements as applicable have been met will communicate clearance for issue of quarry permits.

5. The above guidelines will to send and morrum quarries with the exception that no conversion of land from egri to non-agri will be necessary for such quarries.

6. The undersigned is, therefore, directed to request him to take necessary steps for regularization of unauthorized brickfields in his district in accordance with the above guide-lines. Action against the most which will remain unauthorized, should be under the relevant provisions of the Mines and Minerals (Requisition and Development) Act 1957 and the West Bengal Minor Mineral Rules 1973 as amended upto date, unless there is any order from any Court of law which allows the brickfields to operate. In the latter cases, all details of the court comes and the orders in this behalf are to be reported to the Land and Land Reforms Department separately.

Sd/-
Joint Secretary to the
Government of West Bengal

No.2789(10)/1(23)-L.Ref

Dated: 29.9.2000

Copy-forwarded for information and necessary action

- 1) The Secretary to the Govt. of West Bengal, and Industries Department
- 2) The, Division,
- 3) The DLR & B., West Bengal, 35, Gopalnagar Road, Alipore, Cakcutta-700 027.
- 4) The District Magistrate & Collector,

Sd/-
Joint Secretary to the
Government of West Bengal.

Government of West Bengal
Land and Land Reforms Department
Land reforms All Branches

Dated the 2nd Feb., 2001

No. 935(18) M&M
LR/ALL/M&M-13/99

CORRIGENDUM

To
The District Land & Land Reforms Officer.

In continuation of this deptt. Memo. no. 2739(19) I, Ref. dt. 29.9.2000 the following changes are to be made as stated below:-

1. Please insert the line in sub para 1 of para 2 of the memo All the brick fields which have come up on or before 1.9.2000 in place of "the brick fields..... And after wards".
2. Please revise as " a distance of 45 meters fro....." in sub para 6 of para 3 of the memo in place of ".....250 meters....."
3. Please read the line as " with or without power of attorney/Partnership Deed/any other instrument registered or unregistered" in sub para 11 of para 3 of the memo in place of with or without power of attorney."

Deputy Secretary
Land and Land Reforms deptt. WB

Memo no. 935/1(23)-L Ref. Dated, the 2nd Feb., 2001
Copy forwarded for information and necessary action to :

1. The Secretary C&I Deptt.
2. The Commissioner
_____ divn.
3. The D.L.R. & S.Jt. L.R.C W.B.
35, Gopal Nagar Road, Alipore, Calcutta-700027.
4. The District Magistrate & Collector

Deputy Secretary
Land and Land Reforms Deptt. WB



38-
52

A n d

In the matter of :

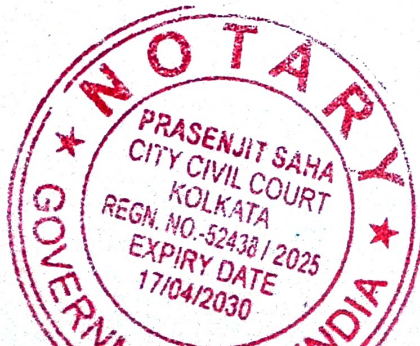
Vires and/or illegal fixation of rate of royalty @ Rs. 20/-- per 100 cubic feet for brick earth under the West Bengal Minor Minerals Rules, 1973.

A n d

In the matter of :

1. Bengal Brick Field Owners' Association, a Limited Company with its Registered Office at No. 23-A, Netaji Subhas Road, Police Station - Hare Street, Calcutta-700 001.
2. Sri Kamal Krishna Ghosh, S/o. Late Gopal Chandra Ghosh, Balanagar, P.O. Abhoynagar, P.S. Bally, District - Howrah, President of the said Association.
3. Sri Amel Kumar Mukherjee, S/o. Late Upen Mukherjee, Vice-President of Bengal Brick Field Owners' Association at No. 23-A, Netaji Subhas Road, P.S. Hare Street, Calcutta-700 001.
4. Sri Brajenath Das, S/o. Late Satish Chandra Das, Honorary Secretary of Bengal Brick Field Owners' Association, 23-A, Netaji Subhas Road, P.S. Hare Street, Calcutta-700 001.
5. Sri Lakshmi Narayan Seth, S/o. Sri Baidyanath Seth, resident of Village & P.O. Bansberia, P.S. Mogra, District - Hooghly.
6. Sri Dipak Banerjee, S/o. Late Sambhu Ratan Banerjee, Village - Dhanyagram, P.O. Khatengra, P.S. Suri, District : Birbhum.

..... Petitioners.



42-
68

30

53

= 3 =

: Versus :

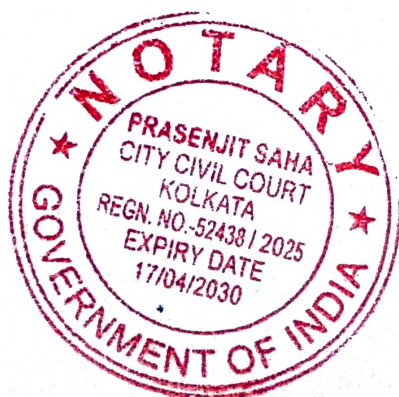
1. State of West Bengal,
Service through the Secretary, Department of Land and
Land Utilisation, Government of West Bengal, Writers'
Buildings, Calcutta-700 001.
2. Secretary to the Government of West Bengal,
Department of Commerce and Industries, Writers' Buildings,
Calcutta-700 001.
3. Deputy Secretary to the Government of West Bengal,
Department of Commerce and Industries, Writers' Buildings,
Calcutta-700 001.
4. District Land and Land Reforms Officer,
South 24-Parganas, Alipore, Calcutta-700 027.
5. District Land and Land Reforms Officer,
North 24-Parganas, Office at Borsat, 24-Parganas.
6. District Land and Land Reforms Officer,
Burdwan, Nonimert, P.O. & District - Burdwan.
7. District Land and Land Reforms Officer,
Assanol, Burdwan.
8. District Land and Land Reforms Officer,
Howrah, P.O. and District - Howrah.
9. District Land and Land Reforms Officer,
Hooghly, P.O. Chinsurah, District - Hooghly.
10. District Land and Land Reforms Officer,
Nadia, P.O. Krishnagar, District - Nadia.
11. District Land and Land Reforms Officer,
Midnapore, P.O. and District - Midnapore.
12. District Land and Land Reforms Officer,
Tamluk, P.O. Tamluk, District - Midnapore.

~~14/12/02~~



13. District Land and Land Reforms Officer,
Murshidabad, P.O. Dakharpore, District - Murshidabad.
14. District Land and Land Reforms Officer,
Hata Dinaipur, P.O. Raiganj, District - West Dinaipur.
15. District Land and Land Reforms Officer,
Bankura, P.O. and District - Bankura.
16. District Land and Land Reforms Officer,
Birbhum, P.O. Suri, District - Birbhum.
17. District Land and Land Reforms Officer,
Darjeeling, District - Darjeeling.
18. District Land and Land Reforms Officer,
Malda, P.O. & District - Malda.
19. District Land and Land Reforms Officer,
Cooch Behar, District - Cooch Behar.
20. District Land and Land Reforms Officer,
Jalpaiguri, P.O. and District - Jalpaiguri.
21. District Magistrate, Birbhum,
P.O. Suri, District - Birbhum.
22. Union of India,
represented through the Secretary, Ministry of
Settl and Mines, New Delhi.

..... Respondents.

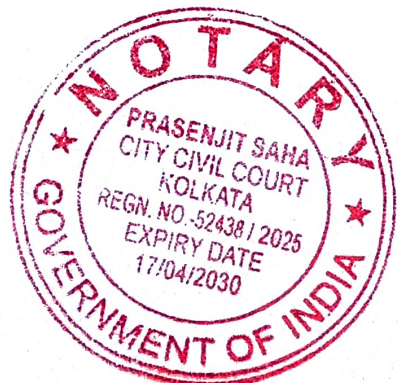


Sl. No. / Date	Serial No.	Date	Order, reports, orders or proceedings with signature
		19-7-2012	<p>C.O. 4774(W) of 1991 with CAN No. 5735/2002 with CAN No. 6369/2002 with CAN No. 6418/2002</p> <p>Mr. Asoka Chakrabarty Mr. Pinaki Ranjan Chakrabarty for writ petitioners</p> <p>Mr. Kamalash Bhattacharjee Mr. Sudip Sarkar for addition of party</p> <p>Mr. A.N. Banerjee Mr. Pinaki Banerjee ... for State</p> <p>It appears to this court that by an judgment and order dated 2nd September, 1998 passed in C.O.No. 6895(W)/1990, Kalyan Jyoti Sengupta, J. was pleased to hold and declare that the fixation of royalty uniformly at a particular rate for all regions of State of West Bengal ultra vires the Mines and Minerals (Regulations and Developments) Act, 1957 and unconstitutional. From such order an appeal was preferred being MAT No. 495 of 1999 but no stay has been granted by the Division Bench of this court.</p> <p>Recently, the Supreme Court observed in the case of <u>Saurashtra Cement & Chemical Industries & Anr. vs. Union of India & Ors.</u>, reported in AIR 2001 SC 8 that the fixation of rate in respect of minor minerals is within the exclusive domain of the Central Govern- ment. Therefore, taking into three views as aforesaid I am inclined to hold the similar view and set aside the order impugned. But before doing so I allow the petitioners who wanted to be added as party-respondent herein whose case is similarly placed with similar view and the order will have binding effect upon the petitioners as well as upon the added party-respondent.</p>

55

14/8/02

...2/



Type copy

B

SG

Government of West Bengal
Land & Land Reforms Department
Writer's Building
Land Reforms Branch

No.2789(10)-L

Dated, Calcutta the 29th Sept, 2000

From: The Joint Secretary to the Govt. of West Bengal.

To: The District Land &-Land Reforms Officer,
North 24-Parganas,
P.O. Barasat, Dist. North 24-Parganas.

Sub : Matters pertaining to regularization of unauthorized
brick fields.

The problem of operation of unauthorized backfields has been engaging the attention of the Government over the last several years. In the past, the problem led this Department to issue a number of circulars prohibiting operation of brickfields on agricultural land. But despite all provisions in the relevant rupees and executive instructions preventing unauthorized brickfields established, such brickfields found to have come up and many of them continue to operate. Such brickfields frequently destroy the top-soil of agricultural land irrevocably As a matter of fact, some of such brickfields that have been in operation for a considerable period and thereby have already damaged the top solo such an extent that the paresis of land are no longer useable for agricultural purposes, unless some efforts are made to render them in for agriculture again. The State Government has been considering the pres and cons of protecting the overall interests balancing the broad environmental consideration vis a vis operation of the brickfields described above.

2. After giving careful consideration to all aspects of the matter. the undersigned is directed by order of Governor to state that the Governor has been please to direct to regularise the following two types of brickfields that have been established so far.

(1) the brickfields which have been operating Since 1985 and afterwards and which agricultural land but due to continuous mining of earth on such lands, such land are no longer unable and can not be realised for agricultural use in forcible future and

57

(2) the brickfields which have been operating on low grade agricultural land like Danga, Baluchar, etc

3. The undersigned is further directed to state that before any such brickfields it regularized the following conditions must be first satisfied:-

(1) If the brickfield is located on any land that is marked as agricultural land in the ROR, the prime requirement for possible regularization is to establish the usability of the land for the purpose of agriculture through a field This stipulation holds good irrespective of the exact classification of the agricultural land as might be mentioned in the ROR (i. e. Shell/Build/.....atc.)

If a field inspection reveals that a plot of land, originally, shown as agricultural land in the ROR, has actually been rendered unfit for agriculture, because of inter-alia, operation of a brickfield on that land and further that the same plot cannot be reclaimed for agriculture in the foreseeable future, the Revenue officer, having jurisdiction over the land in question and having the requisite legal, should change the of the land in question from to non-agricultural through an appropriate proceeding under the WER Act

(2) No brickfield, under any whatsoever, should be allowed to operate on orchard or forest land such land is not used at any given point of

time, as orchard or forest. In other piece of land marked as orchard or forest in the ROR, should be regularized, and no change in the classification of land should be brought about by the Revenue Officer to accommodate any brickfield.

(3) The brickfield shall use wilt/truth from only specified places, whenever the I & W Department/Zilla Parishad/CPT are in a position to such places. The concerned DLLRO/SDLLRO shall indicate clearly those earmarked places to the brickfield(s).

(4) The brickfield must a No Objection Certificate' from the West Bengal Pollution Control Board (or any officer in the district who have been authorities by the letter to issue such a certificate after due of all environmental related facts).

(5) The brickfield must produce a certificate from the concerned Panchayat Samiti having jurisdiction over the area to the effect that the surrounding agricultural/requisition potential will not be adversely and the local human will not be unduly disturbed of existence operation of the brickfield.

(6) The brickfield must produce a certificate from the concerned Public Works Department authorities/T&W authorities/power sentencing and/or distributing authorities/387a Parishad to the effect that the/operation of the brickfield will not cause any damage to any public road, particularly any highway or ODR, any bridge or culvert, any embodiment or any other public utility where the brickfield is created within a distance of 250in from the public road, bridge, culvert,other public utility.

(7) No brickfield that other drainage or system, or man-made, or, or prevents free flow, of water, from those canals, channels, etc., or congestion of water in any way, will be regularized, whether any brickfield so encroached upon or diverts or prevents free flow of water or congestion in any manner shall be established any spot inspection and wherever necessary, in consultation with the concerned field level authorities in the State Government available in the district.

(8) A feasibility report from the concerned Mining Officer of the Mines and Minerals Directorate under the Commerce & Industries Department of the State Government should be obtained.

(9) The brickfield must pay all arrear price of brick earth/excess/taxes etc., within a out of date. to by indicated by the concerned Revenue Officer.

(10) in term of Government of India's guidelines issued vide Notification 180.5.0.763) dated 14.09.1999 1986, the use of 25% Sly ash by weight has been advised for manufacturing of bricks within 30 local basic Power Project mainly forseason. Accordingly, it is instructed that no within 30 km. of coal based TPP should be regularized unless the brickfield uses 25% of ash by weight for manufacturing brickkes.

(11) No brickfield which is operated on tribal by men-tribal or without Power of Attorney shall be regularized.

4. The undersigned is also directed to state that complete with the, the DL & RO will some the file to the DLROR who being satisfied that the requirements as applicable have been met will communicate clearance for issue of quarry permits.

~~60~~ 60

5. The above guidelines willwend andquarries with the that no conversion of land fromto non-agri will be necessary for such quarries.

6. The undersigned is, therefore, directed to request him to take necessary steps for regularization of unauthorized brickfields in bas district in accordance with the above guide-lines. Action against thewhich will remain unauthorized, should be taken under the relevant provisions of the Mines and Minerals (Requisition and Development) Act 1957 and the West Bengal Minor Mineral Rules 1973 as amended upto date, unless there is any order from any Court of law which allows the brickfields to to operate. In the latter cases, ail details of the court comes and the orders in this behalf are to be separated to the Land and LandDepartment separately.

Sd/-

Joint Secretary to the
Government of West Bengal

No.2789(10)/1(23)-L-Ref

Dated: 29.9.2000

To

Copy-forwarded for information and necessary action

1) The Secretary to the Govt. of West Bengal, and industries Department

2) The,Division,

3) The DL R&B, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta-700 027.

4) The District Magistrate & Collector,

Sd/-

Joint Secretary to the Government of
West Bengal

~~61~~ 61

Government of West Bengal
Land and Land Reforms Department
Land reforms All Branch

No. 935(18) M&M
LR/ALL/M&M-13/99

Dated the 2nd Feb, 2001

CORRIGENDUM

To
The District Land & Land Reforms Officer,

In continuation of this deptt. Memo. no.2739(19) 1, Ref. dt. 29.9.2000 the following changes are to be made as stated below:-

1. Please insert the line in sub para 1 of para 2 of the memo All the brick fields which have come up on or before 1.9.2000 in place of "the brick fields And after wards".
2. Please read as " a distance of 45 meters from para 6 of para 3 of the memo in place of "... 250 meters. "In sub
3. Please read the line as " with or without power of attorney/Partnership Deed/any other instrument registered or unregistered in sub para 11 of para 3 of the memo in place of with or without power of attorney."

Deputy Secretary
Land and Land Reforms deptt. WB

Memo no.935/1(23)-L Ref

Dated, the 24 Feb., 2001

Copy forwarded for information and necessary action to:

1. The Secretary C & D Deptt
2. The Commissioner
..... divn.
3. The D.L.R. & S. Jt. LRC W.B.
35, Gopal Nagar Road, Alipore, Calcutta-700027.
4. The District Magistrate & Collector

Deputy Secretary
Land and Land Reforms Dept. WB

In the matter of

Vires and/or illegal fixation of rate of royalty @R, 20/- per 100
fact for brick earth under the West Bengal Minor Minerale Rules,
1973.

And

In the matter of

1. Bengal Brick Field General Association, Limited Company with its
Registered Office No. 23-A, Netaji Subhna Road, Kolica Station
Street, Calcutte-700 001.

2. Sri Kamal Krishna Ghosh, 8/o. Late Gopal Chandra Ghosh,
Balanager, P.O. Abhoynngar, P.B. Bally, District President of the
Association. Howrah,

3. Sri Amal Kumar Mukherjee, 3/o. Late Upen Mukherjee, Vice-
President of Bengal Brick Field Owneral Association st No. 23-A,
Netaji Subhas Road, P.8. Hare Street, Osloutts-700 001.

4. Sri Biswanth Das son of Late Jatish Chandra Das, Honorary
Secretary of Bengal Drick Meld Owner Association, 23-A, Netaji
Subhas Road, P-8, Hare Street, Calcutta-700 001.

5. Sri Lakshmi Narayan Beth, 8/o. Sri Baidyanath Beth, resident of
Village & P.O. Benaberia, P.S. Mogra, District Hooghly.

6. Sri Dipak Banerjee, son of Late Sambhu Ratan Banerjee, Village
....., P.O., P.S. Suri District: Birbhum.

.....Petitioner

~~63~~ 63

Versus

1. State of West Bengal, Service through the Secretary, Department of Land and Land Utilisation, Government of West Bengal, Writers Buildings, Calcutta-700 001.
2. Secretary to the Government of West Bengal, Department of Commerce and Industries, Writers Buildings, Calcutta-700 001.
3. Deputy Secretary to the Government of West Bengal, Department of Commerce and Industries, Writers Buildings, Calcutta-700 001.
4. District Land and Land Reforms Officer, South 24 Parganas, Alipore, Calcutta-700 027-
5. District Land and Land Reforms Officer, North 24-Parganas, Office at Barasat, 24-Parganas.
6. District Land and Land Reforms Officer, Burdwan, Monimart, P.O. & District Burdwan.
7. District Land and Land Reforms Officer, Asansol, Burdwan.
8. District Land and Land Reforms Officer, Howrah, P.O, and District Howrah.
9. District Land and Land Reforms Officer, Hooghly, P.O. Chinourah, District Hooghly.
10. District Land and Land Reforms Officer, Nodia, P.O. Krishnagar, District - Nadia.
11. District Land and Land Reforms Officer, Midnapore, P.O, and District Midnapore,
12. District Land and Land Reforms Officer, Tamluk, P.O. Tamluk, District Midnapore.

~~64~~ 64

13. District Land and Land Reforms Officer, Murshidabad, P.O. Berhampore, District Murshidabad.
14. District Land and Land Reforms Office, Uttar Dinajpur, P.O. Reganj, District West Dinajpur.
15. District Land and Land Reforms Officer, Uttar Dinajpur, P.O. Reganj, District West Dinajpur.
16. District Land and Land Reforms Officer, Birbhum, P.O. Suri, District Birbhum.
17. District Land and Land Reforms Officer, Darjeeling, District Darjeeling.
18. District Land and Land Reforms Officer, Molde, P.O. & District Malda,
19. District Land and Land Reforms Officer, Booch Bohay, District Cooh Behar.
20. District Land and Land Reforms Officer, Jalpaiguri, P.O. and District Jalpaiguri.
21. District Magistrate, Birbhum, P.O. Suri, District - Birbhum.
22. Union of India, represented through the Secretary, Ministry of Sett and Mines, New Delhi.

.... Respondents

65

	Serial No.	Date	
			<p style="text-align: center;">CAN NO. 5735/2002 CAN No. 6369/2002 CAN No. 6418/2002</p> <p>Mr. Asoka Chakraborty Mr. Pinaki Ranjan Chakraborty for writ Mr. Kamalesh Bhattacharjee For writ petitioner</p> <p>Mr. Kamalesh Bhattacharjee Mr. Sudin Sarkar For addition of party</p> <p>Mr. A.N. Banerjer Mr. Pinaki Banerjee ... for State</p> <p>It appears to this court that by an judgment and order dated 2nd September. 1998 passed in <u>C.O.No. 1 6895(u)/1990</u>, Kalyan Jyoti Sengupta, was pleased to. hold and declare that the fixation of royalty at a particular rate for all regions of State of ultra vires the Mines and Minerals (Raou) And Development Act, 1957 and unconstitutional. From such order an appeal und preferred being MAT No. 495 of 1999 but no stay has been granted by the Division Bench of this court.</p> <p>Recently, the Supreme Court nerved in the CROS OF & Chemical Industries & Union of India & Ors, reported in AIR 2001 SC 8 that the fixation of rate in respect of minor minerals is within the exclusiveof the Central Government. Therefore, taking into three visus aforesaid I am inclined to hold the similar visu and set aside the order impugned. But before doing so I allow the petitioners who wanted to be added as party-respondent herein whose case is similarly placed with similar view and the order All have binding effect up on the petitioners as well ne upon the added party-respondent</p>

66

DISTRICT : CALCUTTA

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

C. O. 4760 (W) of 1991.

In the matter of :

An application under Article 226 of the Constitution of India.

A n d

In the matter of :

Writs of and/or in the nature of Mandamus and/or Certiorari and/or Prohibition and/or other appropriate Writ or Order or Direction.

A n d

In the matter of :

Mines and Minerals (Regulation and Development) Act, 1957.

A n d

In the matter of :

West Bengal Minor Minerals Rules, 1973.

A n d

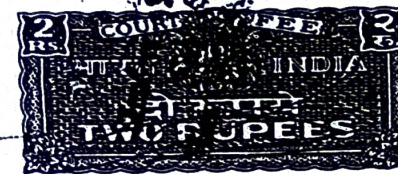
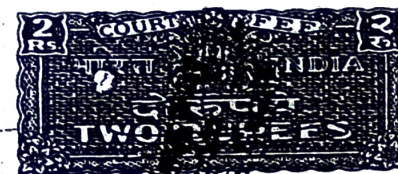
In the matter of :

Notification No. 3931/1(150) -CI Mines dated June 30, 1987 issued by the Deputy Secretary, Commerce and Industries Department, Government of West Bengal.

A n d

In the matter of :

Notification No. 436 dated May 29, 1958, issued by the Central Government.



~~14/8/02~~

17

A n d

67

In the matter of :

Vires and/or illegal fixation of rate of royalty @ Rs. 20/-- per 100 cubic feet for brick earth under the West Bengal Minor Minerals Rules, 1973.

A n d

In the matter of :

1. Bengal Brick Field Owners' Association, a Limited Company with its Registered Office at No. 23-A, Netaji Subhas Road, Police Station - Hare Street, Calcutta-700 001.
2. Sri Kamal Krishna Ghosh, S/o. Late Gopal Chandra Ghosh, Belanagar, P.O. Abhoynagar, P.S. Bally, District - Howrah, President of the said Association.
3. Sri Amal Kumar Mukherjee, S/o. Late Upen Mukherjee, Vice-President of Bengal Brick Field Owners' Association at No. 23-A, Netaji Subhas Road, P.S. Hare Street, Calcutta-700 001.
4. Sri Biswanath Das, S/o. Late Satish Chandra Das, Honorary Secretary of Bengal Brick Field Owners' Association, 23-A, Netaji Subhas Road, P.S. Hare Street, Calcutta-700 001.
5. Sri Lakshmi Narayan Seth, S/o. Sri Baidyanath Seth, resident of Village & P.O. Bansberia, P.S. Mogra, District - Hooghly.
6. Sri Dipak Banerjee, S/o. Late Sambhu Ratan Banerjee, Village - Dhannyagram, P.O. Khatangha, P.S. Suri, District : Birbhum.

..... Petitioners.

[Handwritten signature]
14/8/02

: Versus :

1. State of West Bengal,
Service through the Secretary, Department of Land and
Land Utilisation, Government of West Bengal, Writers'
Buildings, Calcutta-700 001.
2. Secretary to the Government of West Bengal,
Department of Commerce and Industries, Writers' Buildings,
Calcutta-700 001.
3. Deputy Secretary to the Government of West Bengal,
Department of Commerce and Industries, Writers' Buildings,
Calcutta-700 001.
4. District Land and Land Reforms Officer,
South 24-Parganas, Alipore, Calcutta-700 027.
5. District Land and Land Reforms Officer,
North 24-Parganas, Office at Barasat, 24-Parganas.
6. District Land and Land Reforms Officer,
Burdwan, Monimart, P.O. & District - Burdwan.
7. District Land and Land Reforms Officer,
Asansol, Burdwan.
8. District Land and Land Reforms Officer,
Howrah, P.O. and District - Howrah.
9. District Land and Land Reforms Officer,
Hooghly, P.O. Chinsurah, District - Hooghly.
10. District Land and Land Reforms Officer,
Nadia, P.O. Krishnagar, District - Nadia.
11. District Land and Land Reforms Officer,
Midnapore, P.O. and District - Midnapore.
12. District Land and Land Reforms Officer,
Tamluk, P.O. Tamluk, District - Midnapore.

~~100~~
~~14/8/02~~

13. District Land and Land Reforms Officer,
Murshidabad, P.O. Berhampore, District - Murshidabad.
14. District Land and Land Reforms Officer,
Uttar Dinajpur, P.O. Raiganj, District - West Dinajpur.
15. District Land and Land Reforms Officer,
Bankura, P.O. and District - Bankura.
16. District Land and Land Reforms Officer,
Birbhum, P.O. Suri, District - Birbhum.
17. District Land and Land Reforms Officer,
Darjeeling, District - Darjeeling.
18. District Land and Land Reforms Officer,
Malda, P.O. & District - Malda.
19. District Land and Land Reforms Officer,
Cooch Behar, District - Cooch Behar.
20. District Land and Land Reforms Officer,
Jalpaiguri, P.O. and District - Jalpaiguri.
21. District Magistrate, Birbhum,
P.O. Suri, District - Birbhum.
22. Union of India,
represented through the Secretary, Ministry of
Settl and Mines, New Delhi.

..... Respondents.

AS
14/8/02

by Office of Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
		19-7-2012	<p>C.O. 4760(W) of 1991 with CAN No. 5735/2002 with CAN No. 6369/2002 with CAN No. 6418/2002</p> <p>70 83</p> <p>Mr. Asoke Chakrabarty Mr. Pinaki Ranjan Chakrabarty for writ petitioners</p> <p>Mr. Kamallesh Bhattacharjee Mr. Sudip Sarkar for addition of party</p> <p>Mr. A.N.Banerjee Mr. Pinaki Banerjee ... for State</p> <p>It appears to this court that by an judgment and order dated 2nd September, 1998 passed in C.O.No. 6895(W)/1990, Kalyan Jyoti Sengupta, J. was pleased to hold and declare that the fixation of royalty uniformly at a particular rate for all regions of State of West Bengal ultra vires the Mines and Minerals(Regulations and Developments) Act, 1957 and unconstitutional. From such order an appeal was preferred being MAT No. 495 of 1999 but no stay has been granted by the Division Bench of this court.</p> <p>Recently, the Supreme Court observed in the case of <u>Saurashtra Cement & Chemical Industries & Anr. vs. Union of India & Ors.</u>, reported in AIR 2001 SC 8 that the fixation of rate in respect of minor minerals is within the exclusive domain of the Central Government. Therefore, taking into three views as aforesaid I am inclined to hold the similar view and set aside the order impugned. But before doing so I allow the petitioners who wanted to be added as party-respondent herein whose case is similarly placed with similar view and the order will have binding effect upon the petitioners as well as upon the added party-respondent.</p>

AS
14/8/02

71

~~71~~

2

Date	Office notes, reports, orders or proceedings with signature
------	---

- 2 -

All three applications being CAN 5735/2002, CAN 6369/2002 and CAN 6418/2002 are disposed of.

The main writ petition being C.O. 4760(W) of 1991 is also disposed of. Interim order, if any, stands confirmed.

There will be no order as to costs.

However, in view as above, the State authority will not disturb in any manner whatsoever in carrying out the usual business by the petitioners and the added party-respondent as they are doing at the present moment.

Sd/- A. Lalaj
(Amitava Lalaj, J.)

~~14/8/02~~

District-Calcutta.

Annexure - D

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.

72

W.P.No. 992 (W) of 2003

In the Matter of :

An application under Article 226 of the
Constitution of India ;

And

In the Matter of :

A Writ in the nature of Mandamus and/or
Certiorari and/or Prohibition and/or any
other Writ or Writs, order or orders and/
or direction or directions;

And

In the Matter of :

Mines and Minerals (Regulation and Develop-
ments) Act, 1957 and the West Bengal Minor
Minerals Rules, 1973;

And

In the Matter of :

C.O.No.6895(W) of 1990 and
M.A.T.No.495 of 1999

And

In the Matter of :

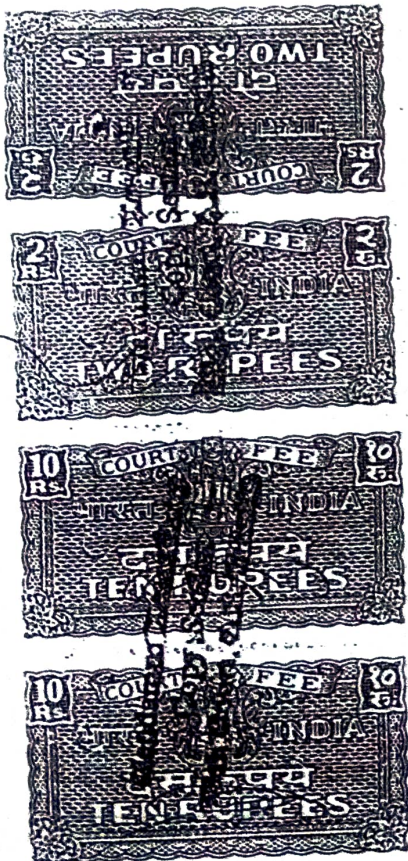
C.O.No.4760X(W) of 1991;

And

In the Matter of :

Impugned Notification No.422-CI/O/Mines/
Rules/002/02/M-1 dated 8.11.2002; issued
by the Department of Commerce and Industr-
ies, Government of West Bengal, fixing the
rate of royalty on brick earth arbitrarily
at the rate of Rs.34/- per 100 cft.

contd., p/1



38/1103

In the Matter of :

1. Bengal Brickfield Owners' Association
a Company incorporated under Companies
Act, 1913 represented through its
President Harish Rohra, having its office
at 23A, Netaji Subhas Road, Calcutta-700001

2. Sri Harish Rohra, son of Late Tirathdas
Rohra, residing at P-73, Block-C, Bangur
Avenue, Calcutta-700055,

3. Sri Baccha Singh, son of Sri Lal Bahadur
Singh residing at Amodghata; Post Office
Magra, District Hooghly;

4. Sri Uttam Ray, son of Sri Gopi Jiban
Ray, residing at 32, K.S. Sarani, Dum Dum
Calcutta-700080. Petitioners.

-Versus -

1. The State of West Bengal, Service
through the Secretary, Department of
Commerce and Industries, Government of
West Bengal, Writers' Buildings, Calcutta
-700001;

2. The District Land & Land Reforms
Officer, North 24-Parganas, P.C. Barasat,
District North 24-Parganas,


3. The District Land & Land Reforms
Officer, South-24-Parganas, Alipore,
Calcutta-700027;

4. The District Land & Land Reforms
Officer, Hooghly, Jiban Pater Begar,
Post Office & District Hooghly;


30/11/03

5. The District Land & Land Reforms Officer, Howrah, P.O and District Howrah.
6. The District Land and Land Reforms Officer, Burdwan, Rajbati, Post Office and District Burdwan
7. The District Land & Land Reforms Officer Birbhum, Post Office Suri, District Birbhum;
8. The District Land and Land Reforms Officer, West Midnapore, Post Office and District West Midnapore;
9. The District Land and Land Reforms Officer, Tamluk (East Midnapore), Post Office Tamluk, District East Midnapore;
10. The District Land and Land Reforms Officer, Purulia, Post Office and District Purulia;
11. The District Land and Land Reforms Officer, Bankura, Post Office and District Bankura;
12. The District Land and Land Reforms Officer, Cooch Behar, Post Office and District Cooch Behar;
13. The District Land and Land Reforms Officer, Jalpaiguri, Post Office and District Jalpaiguri;
14. The District Land and Land Reforms Officer, Darjeeling, District Darjeeling

contd..p/3.


30/11/03

15. The District Land and Land Reforms
Officer, Murshidabad, Post Office
Berhampore, District Murshidabad;

16. The District Land and Land Reforms
Officer, Malda, Post Office and District
Malda;

17. The District Land & Land Reforms
Officer, Dakshin Dinajpur, Post Office
Balurghat, District Dakshin Dinajpur;

18. The District Land and Land Reforms
Officer, Uttar Dinajpur, Post Office
Raiganj, District Uttar Dinajpur;

19. The District Land and Land Reforms
Officer, Nadia, Post Office Krishnanagar,
District Nadia.....Respondents.

~~30/1/03~~

High Court at Calcutta

Constitutional Writ Jurisdiction
Civil Appellate Side

W.P. 992(W) of 2003

In the matter of

Petitioner,

Bengal Erickfield Owners'
Association & Ors.

versus

The State of W. B. & Ors.

For Petitioners Mr. Asok Kr. Chakraborty
Mr. Binaki Ranjan Chakraborti

Opposite Party.

For State Mr. Indrajit Sen
Mr. A. N. Banerjee
Mr. Binaki Banerjee

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	16.	1.2003	<p>It appears to this court that a notification being dated 8.11.2002 fixing the enhancement of rates of royalty on mines and minerals has been challenged. The contention of the learned Counsel appearing for the petitioners is that in spite of the order passed by Justice Kalyan Jyoti Sengupta wherein such fixation was declared from where an appeal was preferred where the stay application was rejected but the appeal is pending and this court also passed the similar order on 19.7.2002 but the notification has been issued ignoring such orders. Therefore, the notification has to be stayed.</p> <p>The learned Counsel appearing for the State respondents contended that the petitioners are only concerned about the enhancement of royalty in respect of brick-earth etc. which is coming under the category of mines and minerals. Therefore, the stay, if any, till</p>

AB
30/1/03

77

Serial No.	Date	Office notes, reports, orders, orders of proceedings with signature
		<p>the disposal of the appeal is to be granted in respect of said item alone not in respect of others. The petitioners have no objection in passing such order.</p> <p>Therefore, the writ petition is disposed of by staying the operation of the notification dated 8.11.2002 for collection of royalty in respect of the same being item of the schedule 1 and in respect of brick-earth coming under the heading of minor mineral till the disposal of the appeal being MAT No. 495 of 1999.</p> <p>This order is passed without going through any other aspect of the matter in the writ petition and it is recorded hereunder such points are not being considered.</p> <p>The interim order will continue in respect of the members of the petitioners' association.</p> <p>Presently the petitioners will go on paying at the rate fixed by this court under an judgment and order dated 19.7.2002 in C.O. No. 4760(W)/1991 along with the CAN applications.</p> <p>All adjustment and/or revision will abide by the result of the appeal.</p> <p>Since no Affidavit-in-Opposition has been filed by the contesting respondents, the allegations contained in the writ petition are not admitted.</p> <p>Thus, the writ petition stands disposed of. There will be no order as to costs.</p> <p>Let urgent xeroxed certified copy of this order, if applied for, be given to the learned Counsel for the parties within 7 days from the date of putting the requisites.</p> <p style="text-align: right;">Sd/- A. Lala, J. (Amitava Lala, J.)</p>

30/1/03

- 35-78

Annerwa E

- ST - Annerwa E

- 33 -

**SILT EARTH BRICK
MINE PLAN**

&

**PROGRESSIVE MINE CLOSURE
PLAN
IN RESPECT OF**

Approved
Uttam Kumar
16.1.17

UTTAM KUMAR DUTTA
Geologist & Mining Officer
Dept. of Mines & Minerals
Govt. of West Bengal

M/S KEOTA BRICK FIELD PRIVATE LIMITED

MINING AREA - 1.11 ACRE/ 0.44 HECT
IN NON FOREST LANDS

Plot no - 8782,8629,8633,8582,8538

MOUZA - KEOTA, P.O - SAHAGANJ

PS-CHINSURAH KULTALA

DIST- HOOGHLY

PINCODE - 712104

JLNO - 7

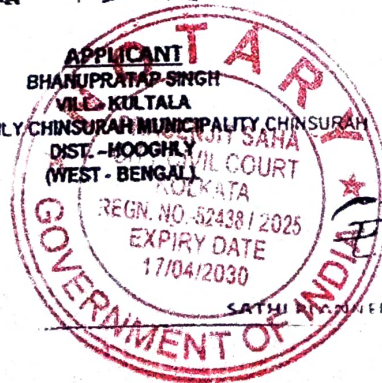
STATE- WEST-BENGAL

CATEGORY B2- MINOR MINERAL

Rule -3& 57 (1) (b) of WBMMCR-2016, UNDER O.M. No. L-11011/47/2011-IA.II(M) &
J13012/12/2013-IA-I Dated 24th. June. 2013 & 24th Dec, 2013 of MOEF & SUPREME COURT
ORDER SLP (C) NO.12498-12499, DATED 27-02-2012



APPLICANT
BHANUPRATAP SINGH
VIL COURT KULTALA
HOOGHLY CHINSURAH MUNICIPALITY CHINSURAH
DIST - HOOGHLY
(WEST - BENGAL)



PREPARED BY

A.K.SINHA, B. Tech (Hons), FCC(Coal)
REG. NO. RQP/COM (N)-UDP/306/2006 &
Reg. No. 34012/(1)2011-CPAM, GOI FOR (Coal & Lignite)
MINING CONSULTANT,
B- 31 Vashundhara Garden, Harihar Singh Road,
Bariatu, Ranchi, Jharkhand

SATHI MINERS PVT LTD

79

SILT EARTH BRICK
MINE PLAN
&
PROGRESSIVE MINE CLOSURE
PLAN
IN RESPECT OF

M/S KEOTA BRICK FIELD PRIVATE LIMITED
MINING AREA-1.11 ACRE/0.44 HECT
IN NON FOREST LANDS
Plot no-8782,8629,8633,8582,8533
MOUZA-KEOTA, P.O-SAHAGANJ
PS-CHINSURAH KULTALA
DIST-HOOGHLY
PINCODE-712104
JLNO-7
STATE- WEST-BENGAL

CATEGORY B2- MINOR MINERAL

Rule-3 & 57 (1) (b) of WBMMCR-2016, UNDER O.M. No. L-11011/47/2011-IA.II(M) & 113012/12/2013-IA-1 Dated 24th. June. 2013 & 24th Dec, 2013 of MOEF & SUPREME COURT ORDER SLP (C) NO.12498-12499, DATED 27-02-2012

PREPARED BY
A.K.SINHA, B. Tech (Hons), FCC(Coal
REG. NO. RQP/COM (N)-
UDP/306/200648
No. 34012/(1)2011-CPAM, GOI FOR
(Coals Lignite)
MINING CONSULTANT,
B-31 Vashundhara Garden, Harihar
Singha Road Bariatu,
Ranchi, Jharkhand

- 56 -

Annexure F

54 - 70
80

- 29 -

**DISTRICT LEVEL ENVIRONMENT IMPACT ASSESMENT
AUTHORITY, HOOGHLY DISTRICT**

No. 678/3da/eon
To
M/S. Keota Brick Field Private Limited,
Sri Bhanupratap Singh, (Project Proponent).
VIII. Kultala, Thana. Chinsurah, Pin. 712104.
District: Hooghly. West Bengal.

Date: 07/12/2017

SUB: Environmental Clearance for the proposed Brick Manufacturing project.

Sir,

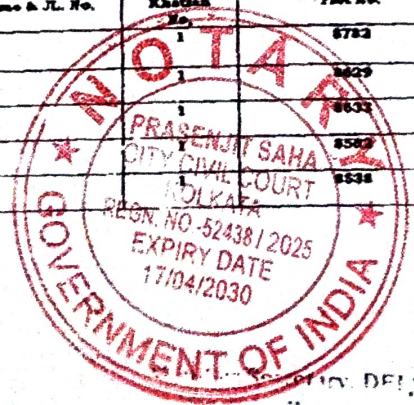
This has a reference to your application in Form 1M, along with prefeasibility Report and Approved mining plan, dated 16-10-2017 and subsequent communication for environmental clearance for the proposed Brick Earth mining project M/S Keota Brick Field Private Limited, Sri. Bhanupratap Singh, (Project Proponent), P.S. Chinsurah Kultala, District. Hooghly. West Bengal. At plot No. 8782, 8629, 8633, 8582, 8538, J.L.7, Mouza: Keota, P.S: Chinsurah Kultala, Dist: Hooghly. West Bengal.

The proposal has been examined and processed in accordance with the DEIAA Notification SO 141(E) dated 15th January, 2016. It is noted that the proposed proposal is for mining of brick earth having area of 1.186 Hac. With production capacity of 12 Lac/Year. At plot. No. proposed M/S Keota Brick Field Private Limited, Sri. Bhanupratap Singh, (Project Proponent), P.S. Chinsurah Kultala, District. Hooghly. West Bengal. At plot No. 8782, 8629, 8633, 8582, 8538, J.L.7, Mouza: Keota, P.S: Chinsurah Kultala, Dist: Hooghly. West Bengal.

District Level Environment Impact Authority (DEIAA), Hooghly district, examined the proposal noted above and also perused recommendations of the District Level Expert Appraisal Committee (DEAC) and/or District level Sub-Divisional Committee. After due consideration of the project proposal and the recommendations of the District Level Expert Appraisal Committee (DEAC) and the District Level Environment Impact Assessment Authority accords Environmental Clearance to the project of brick manufacturing as per provisions of the EIA notification no. S.O. 141(E) dated 15.1.2016 of the Ministry of Environment, Forests & Climate Change, GOI, at the land details noted below in table -I subject to strict compliance of terms and conditions as mentioned below in table-II.

Table No-1: Land Details for the purpose of operation of Brick Field for which E.C. is being issued:-

Mouza Name & J.L. No.	Khatian No.	Plot No.	Classification of Land	Share	Area	Remarks
Keota, 7.	1	8782				
Do	1	8629				
Do	1	8633				
Do	1	8582				
Do	1	8538				



Admission
07/12/17
Sub Divisional Officer
Sadar, Hooghly

Sub-Divisional Officer
Sadar, Hooghly

81

DISTRICT LEVEL ENVIRONMENT IMPACT ASSESMENT
AUTHORITY, HOOGHLY DISTRICT

Date 07/12/2017

No 678/3da/con
To
M/S. Keota Brick Field Private Limited,
Sri Bhanupratap Singh, (Project Proponent).
Vill. Kaltala, Thans. Chinsurah, Pin. 712104.
District: Hooghly. West Bengal.

SUB: Environmental Clearance for the proposed Brick Manufacturing project

Sir,m

This has a reference to your application in Form IM, along with prefeasibility Report and Approved mining plan, dated 16-10-2017 and subsequent communication for environmental clearance for the proposed Brick Earth mining project M/S Keota Brick Field Private Limited, Sri. Bhanupratap Singh, (Project Property)., P.S. Chinsurah Kultala, District. Hooghly. West Bengal. At plot No. 8782, 8629, 8633, 8582, 8538, J.L. 7, Mouza: Keota, P.S: Chinsurah Kultala Dist: Hooghly. West Bengal.

The proposal has been examined and processed in accordance with the DEIAA Notification SO 141(E) dated 15th January, 2016. It is noted that the proposed proposal is. for mining of brick earth having area of 1.186 dec. With production capacity of 12 Lac/Year At plot. No. proposed M/S Keota Brick Field Private Limited, Sri. Bhanupratap Singh, (Project Property)., P.S. Chinsurah Kultala, District Hooghly. West Bengal At plot No.8782, 8629, 8633, 8582, 8538 J.L.7, Mouza: Keota, P.S: Chinsurah Kultala, Dist: Hooghly. West Bengal.

District Level Environment Impact Authority (DELAAL, Hooghly district, examined the proposal noted above and also perused recommendations of the District Level Expert Appraisal Committee (DEAC) and/or District level Sub-Divisional Committee. After due consideration of the project proposal and the recommendations of the District Level Expert Appraisal Committee (DEAC) and the District Level Environment Forms Impact Assessment Authority accords Clearance to the project of brick manufacturing as per provisions of the EIA notification Do. 3.0. 141) dated 15.1.2016 of the Ministry of Climate Change. Got at the land details noted below:

Table No -I, land details for the purpose of operation of brick filed for which E.C. is being issued

Mouja Name & J.L No.	Khatian no.	Plot no.	Classification of Land	Share	Area	Remarks
Keota 7	1	8782				
Do	1	8629				
Do	1	8633				
Do	1	8582				
Do	1	8538				

- 57 -

SS

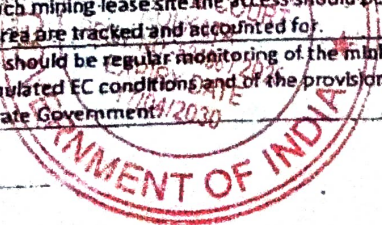
~~SS~~

82

- 30 -

Table No.-II:- This E.C is being issued subject to strict compliance of trumps & Conditions follow:-

1.	The Project Proponent should have valid lease and all the permits
2.	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepal Kumar case [SLP Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed.
3.	All the provisions made and restrictions imposed as covered in the Minor Mineral Rule, shall be complied with, particularly regarding Environment Management Practices and its fund management and Payment of compensation to the land owners.
4.	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.
5.	No River sand mining be allowed in rainy season.
6.	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall be decreased/stopped accordingly till the replenishment is completed.
7.	Ultimate working depth shall be up to 3.0 m from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In any case this depth be preferably restricted to one meter.
8.	To take flood plain mining another 3 meter to be left from the River bank mining.
9.	Mining from agricultural field a buffer of 3 meter to be left from the adjacent field.
10.	Mining shall be done in layers of 1 meter depth to avoid rebound effect and after first layer is excavated, the process will be repeated for the next layers.
11.	To maintain safety and stability of river banks the 20% of the width of the River bed shall be reserved as no mining zone.
12.	No stream should be diverted for the purpose of sand mining. No natural water course and/or water resources are obstructed due to mining operations.
13.	No blasting shall be resorted to in river mining and without permission at any other place.
14.	Depending upon the location, thickness of sand Deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized, however, manual method of mining shall be preferred over any other method.
15.	Mining should be done only in area/stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub-divisional Level committee after site visit.
16.	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
17.	The top soil to ease of surface land mining shall be stored temporarily in an earmarked site and concurrently used for land reclamation, where applicable, where applicable.
18.	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.
19.	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
20.	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.



Signature
 07/12/17
 Sub-Divisional Officer
 Sadar, Hooghly

Assistant Secretary, DEIAA
 Sub-Divisional Officer

T/6

83

Table No.-II: This E.C is being issued subject to strict compliance of trumps & Conditions follows:-	
1.	The Project Proponent should have valid lease and all the permits.
2.	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepal: Kumar case [SLP Nos. 19626-19629 of 2009) and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed
3.	All the provisions made and restrictions imposed as covered in the Minor mineral Rule, shall be complied with, particularly regarding Environment Management Practices and its fund management and Payment of compensation to the land owners
4.	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up 3 meters on defined reaches of the River.
5.	No River sand mining be allowed in rainy season.
6.	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall be decreased/stopped accordingly till the replenishment is completed.
7.	Ultimate working depth shall be up to 3.0 m from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.
8.	In River flood plain mining buffer of 3 meter to be left from the River bank mining. In mining from agricultural field a buffer of 3 meter to be left from the adjacent field
9.	In mining from agricultural field a buffer of 3 meter to be left from the adjacent field
10.	Mining shall be done in layers of 1 meter depth to avoid ponding effect and after-first layer is excavated, the process will be repeated for the next layers
11.	To maintain safety-and-stability of Riverbanks de 13 meter or 10% of the width of the River whichever is more will be delt intact as no mining zone.
12.	No stream should be diverter for the purpose of sand mining. No natural water course and/or water-resources are obstructed due to mining operations.
13.	No blasting shall be resorted to in River mining and without permission at any other place
14.	Depending upon the location, thickness of sand Deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized however, manual method of mining shall be preferred over any other method.
15.	Mining should be done only in area/stretch indentified in the District Level Survey Report suitable for mining and so certified by the Subdivisional Level committee after site visit.
16.	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
17.	The top soil in case of surface land mining shall be stored temporarily in an earmarked site and concurrently used for land reclamation, where applicable, where applicable.
18.	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection
19.	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
20.	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.

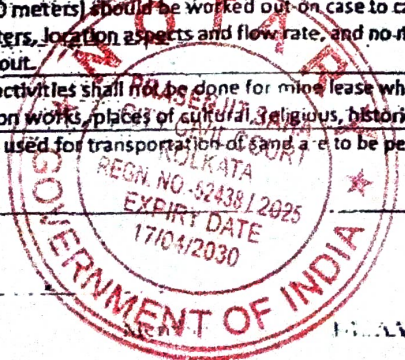
-58-

56-

89

-81-

23	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit.
24	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm.
25	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
26	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
27	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.
28	The Mining Operations are to be done in a systematic manner so that the operations shall create a major visual impact on the site.
29	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
30	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act, 1980 and the rules made there under.
31	Protection of turtle and bird habitats shall be ensured.
32	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park/Sanctuary or In Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I. A. No. 460 of 2004.
33	Spring sources should not be affected due to mining activities. Necessary protection measures are to be incorporated.
34	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not be spread nearby area.
35	No overburden should be allowed to be formed during mining and mining shall not be allowed in area where subsidence may occur. The level of surface water and groundwater should be monitored.
36	Controlled clearance of surface vegetation to be undertaken.
37	Site clearance and bunding to be very much needed to have less visual impact of mining.
38	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
39	Rubbish burial shall not be done in the rivers.
40	The EC holder shall take all possible precautions for the protection of environment and control of pollution.
41	Effluent discharge, if any, should be kept to the minimum and it should meet the standards prescribed.
42	Mining shall not be undertaken in a mining lease located in 200-500 meter or bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meters from the edge of other roads except on special exemption by the Sub-divisional level Joint.
43	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.
44	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance.
45	Vehicles used for transportation of sand etc to be permitted only with of fitness and PUC certificates



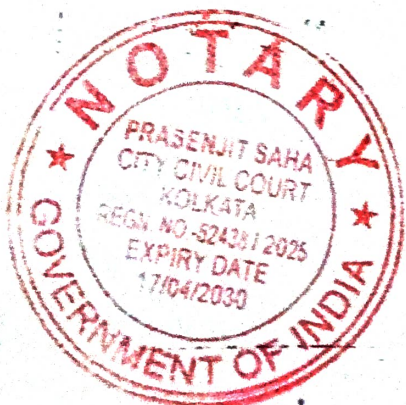
AA
 07/12/17
 Sub-Divisional Officer
 Sadar, Hooghly

85

21.	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit
22.	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm
23.	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
24.	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
25.	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.
26.	The Mining Operations are to be done in a systematic manner so that the operations shall create a major visual Impact on the site.
27.	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of Indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
28.	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act. 1980 and the rules made there under.
29.	Protection of turtle and bird habitats shall be ensured.
30.	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park/Sanctuary or in Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I. A. No. 460 of 2004.
31.	Spring sources should not be affected due to mining activities. Necessary protection measures are to be incorporated.
32.	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not die and should be spread nearby area.
33.	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks as likely to occur due to steep angle of Slope.
34.	No extraction of stone/boulder/sand in landslide prone areas
35.	Controlled clearance of riparian vegetation to be undertaken.
36.	Site Clearance and tidiness is very much needed to have less visual impact of mining
37.	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
38.	Rubbish burial shall not be done in the Rivers.
39.	The EC-holder shall take all possible precautions for the protection of environment and control of pollution
40.	Effluent discharge, if any, should be kept to the minimum and it should meet the standards prescribed
41.	Mining shall not be undertaken in a mining lease located in 200-500 meter or bridge, 200 meter upstream and downstream of water supply/irrigation scheme. 100 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building. 25 meter from the edge of State Highway and 10 meters from the edge of other roads except on special exemption by the Sub divisional level Joint.
42.	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.
43.	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance
44.	Vehicles used for transportation of sand are to be permitted only with of fitness and PUC certificates.

-57- 59- 86

49	Function at takeoff point of approach road with main road be properly developed with road width and geometry required for safe movement of traffic by concession holder at his own cost. Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of mineral will be as per IRC Guidelines with respect to complying with traffic congestion and density.
50	No stacking allowed on road side along National Highways.
51	The project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine.
52	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
53	Site specific plan with eco-restoration should be in place and implemented.
54	Health and safety of workers should be taken care of.
55	Transport of mineral will not be done through villages/habitations.
56	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.
57	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn works well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
58	Project Proponent shall appoint an Occupational Health Specialist for regular and Periodical medical examination of the workers engaged in the project and records maintained; also Occupational health check-ups for workers having some ailments like BP, diabetes, tubercular smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures shall be undertaken. The recommendations of National Institute for Labour enforcing good occupational health management for the workers should also be followed.
59	Project Proponent shall ensure proper planning and implementation of traffic management, safety of mineral transport, and maintenance of roads etc.
60	Project Proponent shall ensure that the impact of natural resources shall be mitigated in order to reduce the environmental risk system.



Member Secretary, DEIAA
 Sub-Divisional Officer, Sadar, Hooghly
 Member Secretary, DLIAA
 &
 Sub-Divisional Officer
 Sadar, Hooghly.

87

45.	Junction as take off point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession. holder at his own cost
46.	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
47.	No stacking allowed on road side along National Highways
48.	The project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine.
49.	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
50.	Site specific plan with eco-restoration should be in place and implemented.
51.	Health and safety of workers should be taken care of.
52.	Transport of mineral will not be done through villages/habitations.
53.	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.
54.	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn works well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
55.	Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained: also Occupational health checkups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers should also be adopted
56.	The Project Proponent shall report monitoring data on replenishment, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
57.	Use of alternate material such as M-sand in place of natural River and shall be encouraged in order to reduced stress on natural eco-system

Member Secretary DELAA
&
Sub/Divisional Officer
Sadar, Hooghly
Member Secretary DELAA
Sub/Divisional Officer
Sadar, Hooghly

Annexure 1

60

88

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 133/2016/EZ

Bhanu Pratap Singh
VS

West Bengal Pollution Control Board and Ors.

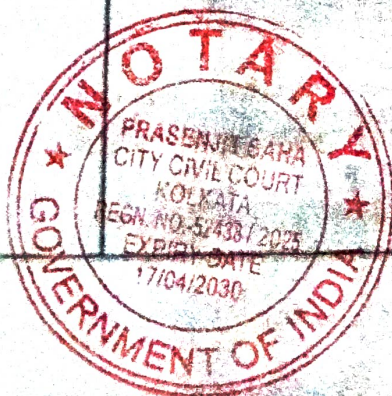
CORAM:

Hon'ble Mr. Justice S.P. Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant : Mr. Pinaki Ranjan Chakraborty, Advocate
Respondent No. 1&2 : Mr. Sibojyoti Chakraborty, Advocate
Others : None.

Date & Remarks	Orders of the Tribunal
<p>Item No. 2 27th September, 2016.</p>	<p>Heard.</p> <p>Issue notice returnable in three weeks.</p> <p>Let requisites be filed by Monday i.e. 03.10.2016.</p> <p>In the meanwhile, the State pcb and its delegatee, i.e., DL & LRO, Hooghly, shall explain as to why the application for consent to operate submitted by the applicant on 24.03.2016 has not yet been considered and disposed of within the period prescribed under the law.</p> <p>List on 02.11.2016.</p> <p style="text-align: right;">..... Justice S.P.Wangdi, JM</p> <p style="text-align: right;">Prof. (Dr.) P. C. Mishra, EM</p>



1

~~67~~ 89

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 133/2016/EZ

BHANU PRATAP SINGH

Vs

WEST BENGAL POLLUTION CONTROL BOARD & ORS

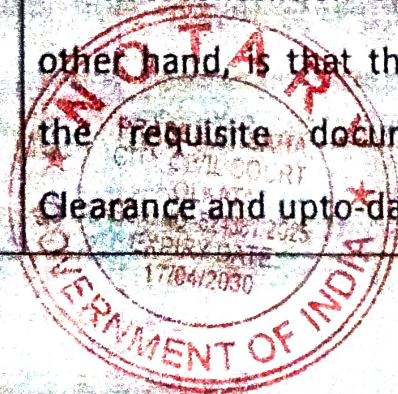
CORAM:

Hon'ble Mr. Justice S.P. Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant : Mr. Asok Kumar Chakraborti, Sr. Advocate
 : Mr. Pinaki Ranjan Chakraborty, Advocate
Respondents No. 1 & 2 : Mr. Sibojyoti Chakraborti, Advocate
Respondents No. 3 & 4 : Mr. Rajib Ray, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 12 25 th November, 2016.	<p style="text-align: center;">Orders of the Tribunal</p> <p>Primarily the prayer made in this OA is for disposal of the application for consent dated 20.3.2015 submitted by the applicant to the Member Secretary, West Bengal Pollution Control Board, Kolkata, Respondent No. 2.</p> <p>Shorn of all details, the case of the applicant is that the Respondent No. 3, the ADM & DL&LRO, Hooghly, before whom the application is lying, has kept the matter pending without disposing it off despite repeated requests.</p> <p>The contention of the Respondent No. 3, on the other hand, is that the applicant has failed to submit the requisite documents i.e. the Environmental Clearance and upto-date rent receipt of the land which,</p>



62 ~~90~~

90

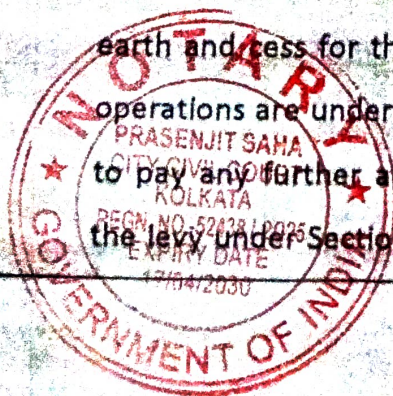
as per them, are pre-requisites for granting consent to operate.

We have heard the Ld. Counsel for the parties and also have examined the pleadings and documents.

In so far as the requirement of EC is concerned, the applicant has no other alternative but to fulfil this as being one of the pre-conditions for grant of consent after the decision of the Hon'ble Supreme Court in *Deepak Kumar's* case and the consequential amendment to the EIA Notification, 2006.

So far as the other requirement insisted upon by the Respondent No. 3 on the submission of upto-date rent receipt is concerned, the order appears to be inconsistent and in conflict with the order of the Hon'ble Calcutta High Court in Writ Petition No. 30030-w/2015 in the matter of *Bhanu Pratap Singh -vs- State of West Bengal & Ors*, the subject matter of the writ petition being royalty and cess for the land on which the brick earth mining operations are being undertaken. It had been specifically directed by the Hon'ble Calcutta High Court by its order dated 23.12.2015 as under:-

" The fundamental issue raised by the petitioner is that since the petitioner already pays royalty for brick-earth and cess for the land on which brick-earth mining operations are undertaken, the petitioner is not required to pay any further amount on account of revenue, and the levy under Section 23 of the Land Reforms Act, 1955



is illegal. The petitioner cites interim orders passed in similar circumstances.

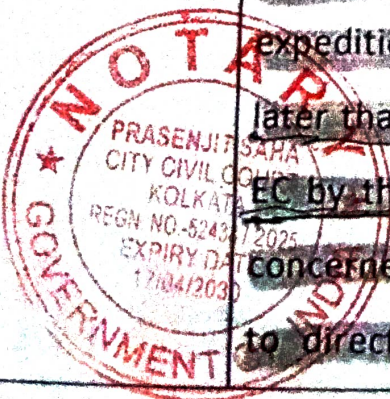
Since the matter requires consideration, the petitioner is permitted to deposit 50% of the amount demanded of Rs. 5,87,876/- in any nationalised bank by way of fixed deposit which will not be encumbered in any manner whatsoever.

Subject to such deposit being made within a fortnight from date, the petitioner's application for quarry permit and advance royalty will be taken up in accordance with law by the District Land & Land Reforms Officer, Hooghly without insisting on the petitioner paying off the demand on account of the land revenue under section 23 of the said Act of 1955."

In view of the above, the demand for submission of rent receipt upto-date, in our opinion, is not justified.

Since the question involved in the matter appears to be very limited, we do not find any reason as to why it should be kept pending.

We, therefore, dispose of the application with the direction upon the Respondent No. 3, ADM & DL & LRO, Hooghly, to consider and dispose of the application for consent submitted by the applicant dated 20.3.2015 expeditiously in accordance with law, in any case not later than three weeks from the date of submission of EC by the applicant. In so far as the other issues are concerned, we do not intend to enter into these except to direct the respondent No. 3 to take a decision



64. 85

92

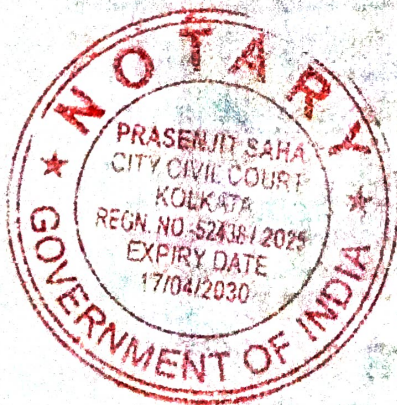
keeping in view the provisions of Sec. 49 of the Land Reforms Act, 1955 and the documents available on record.

With these directions, the OA stands disposed of.

No order as to costs.

Justice S.P.Wangdi, JM
25-11-2016

Prof. (Dr.) P. C. Mishra, EM
25-11-2016



Annexure H

58
- 68 -
92


28-

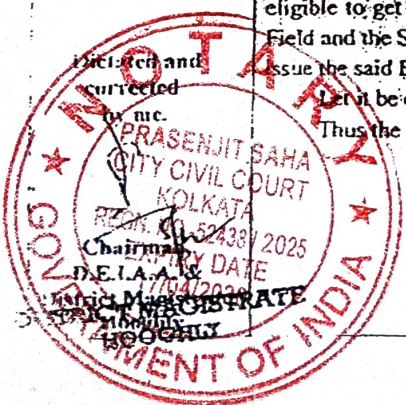


ORDER SHEET
(Rule 129 of Records Manual, 1917)

Order sheet dated from 21-11-2017
District : Hooghly for the year 2017
Nature of case: Ref. : The orders dated 21-09-2017 & 25-10-2017 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with O.A Case No.147/2017/EZ in the matter of Bhanu Pratap Singh -Vs- West Bengal Pollution Control Board & Others.

Serial Number and Date of Order	Order and Signature of Officer	Note of action taken on order
<p>2 05-12-2017</p>	<p>In compliance of the order dated 21-09-2017 & 25-10-2017 of National Green Tribunal, Eastern Zone Bench, Kolkata in connection with O.A. Case No. 147/2017/EZ and in continuation of the order dated 21-11-2017 passed by Chairman, D.E.I.A.A. & D.M., Hooghly in the matter of Bhanu Pratap Singh -Vs- West Bengal Pollution Control Board & Others next hearing held on today i.e. 05-12-2017 at 11-00 a.m. in the office chamber of the undersigned.</p> <p>AND</p> <p>Whereas, Bhanu Pratap Singh, petitioner and other respondents appeared before Chairman, D.E.I.A.A. & D.M., Hooghly today on 05-12-2017 at 11-00 a.m. except Executive Engineer, Hooghly Irrigation, Environment Engineer, W.B.P.C.B., Hooghly Region and S.D.L. & L.R.O., Sadar, Hooghly and they filed their haziras accordingly,</p> <p>AND</p> <p>Whereas, after hearing and perusal of this case, it appears that Bhanu Pratap Singh, the petitioner has deposited the whole amount of land revenue(Cess & Royalty) to run his brick field and that the petitioner has complied the order of Chairman, D.E.I.A.A. & D.M., Hooghly dated 21-11-2017.</p> <p>AND</p> <p>Whereas, it is resolved in the meeting held by the SDO, Sadar Hooghly & Member Secretary, DEIAA, Hooghly with the members of DEAC, Hooghly on 29th November, 2017 that there were no objection for issuing E.C. in favour of Bhanu Pratap Singh in respect of Keota Brick Field,</p> <p style="text-align: center;">ORDER</p> <p>Therefore, I, Sanjay Bansal, I.A.S. as Chairman, D.E.I.A.A. & District Magistrate, Hooghly am of opinion that Bhanu Pratap Singh, petitioner is eligible to get the Environment Clearance Certificate in respect of Keota Brick Field and the SDO, Sadar Hooghly & Member Secretary, DEIAA, Hooghly shall issue the said Environment Clearance Certificate accordingly.</p> <p>Let it be communicated to all concerned.</p> <p>Thus the matter is hereby disposed of accordingly.</p>	


Chairman, D.E.I.A.A. &
DISTRICT MAGISTRATE
HOOGHLY



65 (A)

Annexure - H

ORDER SHEET
(Rule 129 of Records Manual, 1917)

94

Order Sheet dated from 21.11.2017

for the year 2017

District : Hooghly

Nature of case : Ref.: The orders dated 21.09.2017 & 25.10.2017 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with O.A.Case No.148/2017/EZ in the matter of Bhanu Pratap Singh -Vs.-West Bengal Pollution Control Board & Others.

Serial Number and Date of Order	Order and Signature of Officer	Note of action taken on order
<p style="text-align: center;"><u>2</u> 05-12-2017</p>	<p>In compliance of the order dated 21.09.2017 & 25.10.2017 of National Green Tribunal, Eastern Zone Bench, Kolkata in connection with O.A.Case No.147/2017/EZ and in continuation of the order dated 21.11.2017 passed by Chairman, D.E.I.A.A. & D.M., Hooghly in the matter of Bhanu Pratap Singh -Vs.- West Bengal Pollution Control Board & Others next hearing held on today i.e. 05.12.2017 at 11-00 a.m. in the office chamber of the undersigned.</p> <p style="text-align: center;">AND</p> <p>Whereas, Bhanu Pratap Singh, petitioner and other respondents appeared before Chairman, D.E.I.A.A. & D.M., Hooghly today 05.12.2017 at 11-00 a.m. except Executive Engineer, Hooghly Irrigation, Environment Engineer, W.B.P.C.B.Hooghly Region and S.D.L. & L.R.O., Sadar, Hooghly and they filed their haziras accordingly.</p> <p style="text-align: center;">AND</p> <p>Whereas, after hearing and perusal of this case, it appears that Bhanu Pratap Singh, the petitioner has deposited the whole amount of land revenue (Cess & Royalty) to run his brick field and that the petitioner has complied the order of Chairman, D.E.I.A.A. & D.M., Hooghly dated 21.11.2017.</p> <p style="text-align: center;">AND</p> <p>Whereas, it is resolved in the meeting held by the SDO, Sadar Hooghly & Member Secretary, DEIAA, Hooghly with the members of DEAC, Hooghly on 29th November, 2017 that there were no objection for issuing E.C. in favour of Bhanu Pratap Singh in respect of Keota Brick Field.</p> <p style="text-align: center;">ORDER</p> <p>Therefore, I, Sanjay Bansal, IAS as Chairman D.E.I.A.A. & District Magistrate, Hooghly, am of opinion that Bhanu Pratap Singh, petitioner is eligible to get the Environmental Clearance Certificate in respect of Keota Brick Field and the SDO, Sadar, Hooghly & Member Secretary, DEIAA, Hooghly shall issue the Environmental Clearance Certificate accordingly.</p> <p>Let it be communicated to all concerned. Thus the matter is hereby disposed of accordingly.</p> <p style="text-align: center;">Sd/-Illegible, Chairman, DEIAA District Magistrate, Hooghly</p>	



WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block LA, Sector III
Salt Lake City, Bidhan Nagar, Kolkata - 700 106, INDIA
 Website : www.wbpcb.gov.in, e-mail : wbpcbnet@wbpcb.gov.in

Category of the Industry : ORANGE

Application Type: CTO

CTO No.: WBPCB/3864528/2023

Date : 15/03/2024

Consent to Operate (CTO) under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Reference: Application No.: 3864528

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made thereunder hereby grants Consent to **KEOTA BRICK FIELD PVT LTD (UNIT -1)** (hereinafter referred to as Applicant) for its unit located at **KEOTA , KULTALA , P.O. - SAHAGUNJ , P.S. - CHINSURAH , DIST- HOOGHLY -712104, DAG NO - 8621,8550,8547,8542,8535, KHATIAN NO - 13485, J.L NO - 7** for the period from **15/03/2024** to **31/08/2024** to operate the industrial unit/project and to discharge liquid effluent and gaseous emission from the premises / land of the industrial unit/project, in accordance with the conditions as mentioned below, provided that on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and in the Environment (Protection) Act, 1986 and Rules thereunder, as amended.

Breach of the conditions and / or failure to comply with the directions as mentioned below shall render the industry/project liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

The State Board reserve the right to revoke, with or without any reasonable variation / change / alter the conditions of this consent letter giving one month's notice to the industry.

Conditions :

1 This Consent is valid for the following activities :

Sl.No	Name of Activity/Products/By-products	Production Capacity (Per Month)
1	BRICKS	225000 Numbers/Month

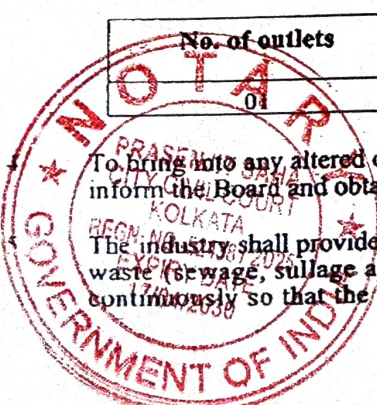
2 The industry shall remain responsible for quantity and quality of liquid effluent and air emission.

3 Daily waste water generation and discharge shall not exceed :

No. of outlets	Source of Waste Water	Quantity in Kilo Liters/day	Place of discharge
01	Domestic effluent	1.60	Municipal drain

To bring into any altered or new outlet / outfall or to change the place of discharge, the industry shall have to inform the Board and obtain prior permission of the Board in this effect.

The industry shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given below:



60 - 96

Outlet No.	Nature of effluent	Parameters and standard			Frequency of sampling
		Parameters	Standards	Unit	
01	Domestic effluent	pH	5.5 - 9.0		Yearly
01	Domestic effluent	Total suspended Solid (TSS)	100	mg/L	Yearly
01	Domestic effluent	Biological Oxygen Demand (BOD)	30	mg/L	Yearly
01	Domestic effluent	Chemical Oxygen Demand (COD)	250	mg/L	Yearly
01	Domestic effluent	Oil & Grease	10	mg/L	Yearly

Provisions shall be made to install sensor-based Water Quality monitoring system and flow meter to share the information with the state board on a Real Time basis.

6 Daily water consumption for the following purposes shall not exceed

SL NO.	Purpose of Water Use	Quantity (KL/Day)
1.	Domestic	2.0
2.	Process	1.5

7 The Industry shall install suitable digital device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board. The device shall be able to provide information to disseminate the quantity on a real time basis.

8 All the stacks connected to various sources of emissions must be designated by numbers.

9 The industry shall install comprehensive pollution control equipment and operate and maintain the same to conform to the standard as given below:

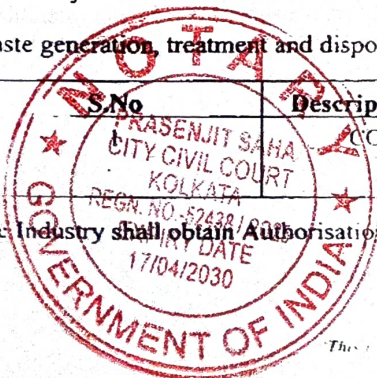
Stack height from ground level (m)	Stack attached to emission sources	Capacity of emission source	Cons up-Unit	Fuel details		Cont. for system (if any)	Concentrations of parameters not to exceed						Frequency of sampling	Remarks	
				Fuel used	Quantity		PM ₁₀ (mg/N m ³)	CO (%)	acid Mist (mg/N m ³)	Pb(mg/Nm ³)	SO ₂ (mg/N m ³)	NOX (mg/Nm ³)			Others
24.990	Brick Klin	10000	Numbers/Day	Coal	80 Kg/Hour	Water Scrubber	250	1.0						Yearly	Mechanical Zigzag Brick Klin, PM to be corrected at 4% CO ₂

10 The industry shall provide ports in the stack(s) and other necessary permanent facilities such as ladder, platform etc. for monitoring / sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorized agencies.

11 Waste generation, treatment and disposal shall be as specified below :

S.No	Description of Waste	Quantity	Treatment and Disposal
	COAL ASH	500 Kg/Day	To be disposed off in environmentally friendly manner

The industry shall obtain Authorisation for waste and also register for EPR wherever applicable.

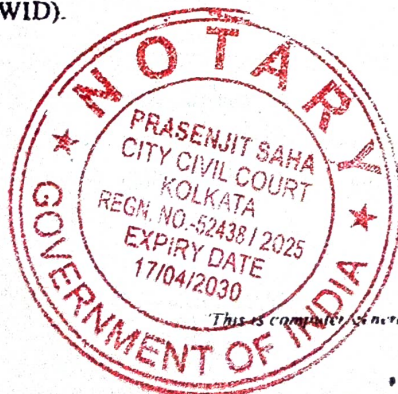


- ST- 67 99 68
- 12 The industry shall take adequate measures for control of noise level from its own sources within the premises within the limit given below :

Time	Limit in dB (A) Leq
Day time (06 a.m. to 10 p.m.)	65
Night time (10 p.m. to 06 a.m.)	55

Noise barriers should be installed if the Noise Level is found to be exceeding the desired levels.

- 13 The industry shall at all times maintain good house-keeping and control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and in surrounding areas.
- 14 The Industry shall bring about at least 33% of the total land area under the tree cover.
- 15 The Industry shall provide sufficient alternate electric power source like Green DG or Storage Battery System etc. to operate all pollution control facilities. In absence of such alternate power source, the production shall be stopped/controlled to conform to the conditions of the Consent.
- 16 The industry shall install a separate energy meter showing the consumption of energy for operation of pollution control devices and shall install suitable device for measuring the volume of water consumed for different purposes as mentioned in Sl.No. 3.
- 17 The Industry shall provide drainage system for discharge of industrial and domestic effluent and a separate drainage system for storm-water.
- 18 The industry shall maintain a separate register showing consumption of chemicals used in pollution control systems.
- 19 The Industry shall get the samples of hazardous wastes / leachates analysed at least once in a year from a laboratory recognised by the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.
- 20 The Industry shall submit the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form V) as required under the provisions of Rule 14 of the Environment (Protection) [Second Amendment] Rules, 1986 by 30th September of every year, to the WBPCB.
- 21 The Industry shall allow the officers of the State Board to enter into the premises of the unit at any reasonable time to inspect the pollution control systems and shall provide adequate and safe facility for collection of air, wastewater and solid waste samples for monitoring by the State Board as well as by authorized agencies of the State Board, as and when required by them.
- 22 The industry shall maintain an Inspection Book in the factory premises which shall be made available to inspecting officers of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection.
- 23 The Industry shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emission.
- 24 The Industry shall maintain adequate number of qualified and trained personnel among its staff for proper maintenance and operation of the effluent treatment and/or emission control devices and for overall environment management of the industry.
- 25 The Industry shall have to make registration for the use of groundwater if any, with State Water Investigation Directorate (SWID).

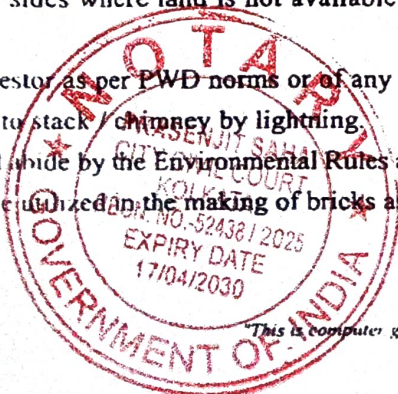


This is computer generated document from OCMMS by WBPCB

- 68-69
98
- 26 The Industry shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quantity as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster. The Applicant shall (i) take all steps adequate to prevent such accident discharge / release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment, (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous noxious or pollutants to the environment.
- 27 If the Industry is using Diesel Generator set or generating any other hazardous waste, it should install a Digital Display Board to discriminate all information as stipulated in this regard.
- 28 The industry shall make an application to the State Board in the prescribed form for renewal of the consent at least 120 (one hundred & twenty) days before the date of expiry of this Consent.
- 29 The industry shall not make any alteration / expansion / modification in the existing manufacturing process and equipment, pollution control system and shall not alter or bring in any new outlet/outfall or stack or change the place of discharge, without prior approval of the Board.
- 30 The industry shall comply with all applicable Environmental Acts and Rules.
- 31 The Industry shall comply with the provisions of relevant Waste Management Rules and also submit Annual Returns / Manifests on regular basis.
- 32 Concealing factual data or submission of false or fabricated data/information may result in revocation of Consent to Operate and attract action under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

Special Conditions:

1. The unit shall submit a fresh Stack Gas Analysis Report of the Brick Kiln within 60 days from the date of issue of this certificate. The stack attached to the brick kiln shall be provided with stack gas sampling arrangements as per Emission Regulations Part - III of C.P.C.B. Permanent facility (port hole and platform) shall be constructed for monitoring of emissions.
2. Use of Pet Coke, Tyres, Plastic and Hazardous waste as fuel is not permitted in the Brick Kiln.
3. The unit shall obtain CTE before firing with additional production capacity.
4. The ash generated in the Brick Kiln shall be fully utilized in house in brick making.
5. This certificate is not valid for extraction of soil to be used for brick making in the brick kiln. All necessary approvals from the concerned authorities including the Land & Land Reforms Department of West Bengal shall be obtained for extracting of soil for brick making .
6. The unit shall ensure that the road utilized for transporting raw materials or bricks are paved roads.
7. Vehicles shall be covered during transportation of raw material/bricks.
8. The Unit shall comply with the Notification G.S.R. 143 (E) dated 22.02.2022, issued by MOEF & CC, Govt. of India.
9. Multi-layer green belt of 10 metres width shall be constructed along the periphery of brick fields/kilns leaving two 10 metres wide gaps in the boundary for entry and exit of materials and vehicles. A 3-metre high wall shall be constructed on the sides where land is not available for green belt development in order to prevent fugitive dust emission.
10. A lightning arrester as per PWD norms or of any other standard design shall be installed for brick fields/kilns to avoid any damage to stack / chimney by lightning.
11. The unit should abide by the Environmental Rules and Guidelines, as applicable.
12. Fly Ash shall be utilized in the making of bricks as per the notification of the Ministry of Environment, Forests &



This is computer generated document from OCMMS by WBPCB"

~~69~~ 70

69 99 70

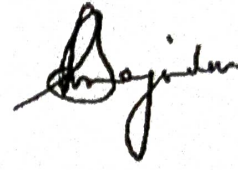
Climate Change, Government of India dated 31/12/21 bearing No .S.O 5481(E).

13. This Consent may be revoked in case of non-compliance of environmental standards and norms and in case of valid public complaint against the unit from environmental point of view.

14. This Consent to Operate certificate is subject to the decision/recommendation of the Screening and Scrutiny Committee for brick fields of the Hooghly District.

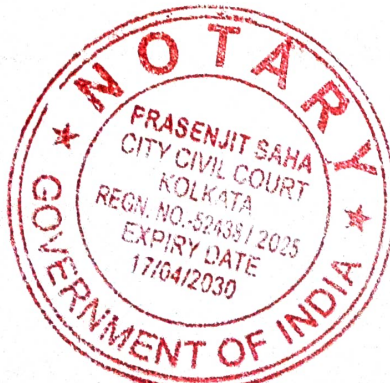
Any violation of the aforesaid conditions shall entail cancellation of this Consent for Operate.

For and on behalf of West Bengal Pollution Control Board



15/03/2024

Environmental Engineer
Hooghly Regional Office



Annexure - 5



2024:CHC-AS:207

100

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side**

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 637 of 2017

Bhanu Pratap Singh

Versus

The State of West Bengal & Another

For the Petitioner : Mr. Arun Kumar Maiti (Mohanty), Adv.
Mr. Pinaki Ranjan Chakraborty, Adv.
Mr. Jasojeet Mukherjee, Adv.
Mr. R. R. Mohanty, Adv.
Ms. Snigdha Ghosh, Adv.
Mr. Shivam Saha, Adv.

For the State : Md. Anwar Hossain, Adv.
Mr. Pratick Bose, Adv.

Heard on : 13.09.2024

Judgment on : 04.10.2024



(01) 8 10

Ajay Kumar Gupta, J:

1. By filing the present Criminal Revisional application under Section 482 read with Section 397 of the Code of Criminal Procedure, 1973, petitioner/accused has prayed for quashing of the First Information Report being Chinsurah P.S. Case No. 87/17 dated 13.02.2017 under Sections 379/411/414 of the Indian Penal Code, 1860, read with Rule 50 of the West Bengal Minor Minerals Concessions Rules, 2016, Rule 3 of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 and Section 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957 and the proceeding initiated thereunder being G.R. Case No. 327 of 2017 pending before the Learned Additional Chief Judicial Magistrate, Hooghly.
2. The factual matrix, leading to filing of the instant case, is that suddenly on 13th February, 2017, the Officers of Chinsurah Police Station entered into the petitioner's brickfield and made a seizure without any prior information to the petitioner in respect of the following items:
 - a) Two earth removers kept in the brickfield having numbers 01S1-05231Q and 5540A387 of which one Vishal Pratap Singh, being the son of the petitioner



and Smt. Samapti Singh being the wife of the petitioner are the owners.

b) Six Trucks having Registration Numbers WB - 156701, WB - 417447, WB - 110387, WB - 399647, WB - 41B 0338 and WB - 41B 0400. The petitioner is not the owner of any of the said Trucks.

2a. The officers have seized and kept those seized items under the Zimmadar, namely, Ram Chandra Banerjee and a copy of the seizure list was given to the petitioner. The said trucks were empty. No seizure was made to any ordinary earth or bricks earth.

2b. Later, the petitioner came to know that the FIR was actually initiated against the petitioner by the Inspector - in - Charge of Chinsurah Police Station on the basis of a complaint made by the Block Land and Land Reforms Officer, Chinsurah - Mogra Block and same was registered as Chinsurah P.S. Case No. 87/17 dated 13.02.2017 under Sections 379/411/414 of the Indian Penal Code, 1860 read with Rule 50 of the West Bengal Minor Minerals Concessions Rules, 2016, Rule 3 of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 and Section 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957. On the basis of said First Information Report,



103

a proceeding being G.R. Case No. 327 of 2017 has been initiated before the Court of Learned Additional Chief Judicial Magistrate, Hooghly against the present petitioner without any illegal acts or commission of offences or violation of any provisions of the Acts mentioned as aforesaid.

2c. It is the contention of the petitioner that he was an active member of Bengal Brickfield Owners' Association, who always raised objection against illegal actions and demands of the District Mining Authorities in various districts of West Bengal with regard to brickfield operation, as such, the District Mining Authority in the district of Hooghly had become very much vindictive and hostile to the petitioner and are intentionally causing harassment to the petitioner deliberately in a collusive and mala fide manner for several years in the following manner:-

(i) That although the brickfield of the petitioner is authorized and is an old one running for 100 years and although the petitioner had constructed adequate Pollution Control System and constructed fixed chimney, but the District Authorities, with a clear, mala fide and vindictive intention, did not issue consent to operate peacefully the brick field to the

104 ~~104~~

petitioner, for which the petitioner had to move a writ application before this Hon'ble Court being W.P. No. 28775 (W) of 2008 and only after passing the order by the Hon'ble High Court, the consent was given to operate brickfield.

(ii) That even after having valid consent to operate, the name of the petitioner was falsely impleaded before the National Green Tribunal in the proceeding being O.A. No. 32/2014/EZ as an illegal brickfield operator with mala fide and vindictive attitude and closure order was issued by the Learned Tribunal against petitioner's business. The petitioner had to enter appearance in the said proceeding by engagement of learned advocate and only after the production of the consent to operate, the petitioner was granted liberty to operate brickfield. Consequently, the petitioner had to suffer huge financial loss for closure of business during the business season.

(iii) That after passing of the orders by His Lordship the then Hon'ble Justice Sanjib Banerjee in the two writ applications filed by the petitioner, being W.P. No.



105

37821 (W) of 2013 and W.P. No. 30030 (W) of 2015, the District Land and Land Reforms Officer, Hooghly, in order to frustrate the said orders and to deprive the petitioner from the benefit of the said interim protections with a clear mala fide intention, had stated to withhold the petitioner's application for consent to operate in a coercive and illegal manner and opined that no consent to operate would be given unless the petitioner withdraws the said writ applications and pays the entire demand with interest for which the petitioner was compelled to move the Court for necessary order.

2d. In addition, the petitioner is the lawful owner of the Brickfield, namely, M/s. Keota Brickfield Private Limited situated at Mouza – Keota, J.L. No. 7, under Chinsurah Police Station, District – Hooghly. The said brickfield is very old and operating on and from 1916 and the said brickfield was regularized and authorised by acceptance of royalty on bricks earth under the Mines and Minerals (Development and Regulation) Act, 1957. By such long operation of brickfield, the concerned plots have also been converted into mines business and same is governed by the aforesaid Act of 1957.



2e. The Department of Land and Land Reforms, Government of West Bengal, by Circular dated 29.09.2000 and the Corrigendum to the said Circular dated 02.02.2001, had granted regularization to all the brickfields which came into operation on or before 01.09.2000 and in terms of the said Circular, the brickfield of the petitioner stands regularized.

2f. The petitioner is a Member of the Bengal Brickfield Owners' Association, is incorporated under the Companies Act, 1913 and as such, the petitioner is entitled to the benefits of the Judgments and Orders obtained by the said association from the Hon'ble High Court at Calcutta in the following manner: -

“(i) That the writ application being C.O. No. 4760 (W) of 1991 (Bengal Brickfield Owners' Association and Others – Versus – The State of West Bengal & Ors.) was moved before this Hon'ble Court by the said association and by the Judgment and Order dated 19.07.2002, His Lordship the then Hon'ble Justice Amitava Lala was pleased, inter alia, to dispose of the writ application by directing the State Authorities not to disturb the carrying on of usual business of the petitioners upon payment of royalty.



107

(ii) That another writ application was moved being W.P. No. 992 (W) of 2003 by the said Association before this Hon'ble Court challenging, inter alia, the enhancement of rate of royalty during the pendency of the appeal before the said Hon'ble Court being FMA No. 420 of 2004 involving the same subject-matter and by Judgment and Order dated 16.01.2003, His Lordship the then Hon'ble Justice Amitava Lala was pleased, inter alia, to allow the writ application by allowing the petitioners to carry on brickfield operation upon payment of royalty in terms of the Judgment and Order dated 19.07.2002 passed in C.O. No. 4760 (W) of 1991. Both the said Judgments and Orders are still valid and operative and the petitioner is entitled to the benefit of the same."

2g. It is further contention of the petitioner that fixed chimney has been constructed in the site in appropriate height in terms of the guidelines of the West Bengal Pollution Control Board and the said Board granted consent to operate petitioner's brickfield on earlier occasions. The petitioner duly applied for necessary Environmental clearance and petitioner's mining plan has duly been approved for the said purpose. The matter is pending before the concerned authority for the final grant of Environmental clearance.

2h. During the year 2013 in flagrant violation of the aforesaid Judgments dated 19.07.2002 and 16.01.2006, the District Mining



Authority claimed higher price on brick earth for running brickfield from the petitioner. Challenging such claim, the petitioner moved a writ application before this Hon'ble High Court being W.P. No. 37821 (W) of 2013 and by order dated 08.01.2014, His Lordship the then Hon'ble Justice Sanjib Banerjee was pleased, inter alia, to direct that subject to the petitioner's putting in an amount of Rs. 5 Lakhs, by way of fixed deposit in any nationalized Bank and holding the same free from all encumbrances, the State will not interfere with petitioner's business, if the business is conducted in accordance with law. In compliance with the said order, the petitioner made a fixed deposit on 15.01.2014. The said writ application is still pending before this Hon'ble Court and the said order is still in force.

2i. Thereafter, again a Proceeding was initiated by the District Mining Authority against the petitioner on alleged ground of demand of land revenue on the plots of brickfield. Challenging the said demand and proceeding, the petitioner moved another writ application before this Hon'ble Court being W.P. No. 30030 (W) of 2015 and by order dated 23.12.2015, His Lordship the then Hon'ble Justice Sanjib Banerjee was pleased to pass interim order directing that the petitioner would be permitted to deposit 50% of the claim amount by way of fixed deposit to any nationalized bank within a



109

fortnight free from all encumbrances and in compliance of the said order, the petitioner duly deposited the amount in fixed deposit and served copy of the certificate of the same to the learned Advocate for the State.

2j. The District Land and Land Reforms Officer, Hooghly, after filing of petitioner's application for consent to operate, deliberately started to show inaction to dispose of the application of the petitioner on the alleged ground that as the petitioner had moved before this Hon'ble High Court against the said officer's demands, the said officer was having parallel power to withdraw such application and opined that unless the aforesaid writ applications being W.P. No. 37821 (W) of 2013 and W.P. No. 30030 (W) of 2015 were withdrawn and all payments were made in terms of the aforesaid demands, petitioner's application would not be allowed. Due to such deliberate mala fide intention of the District Mining Authority, the petitioner had to appear in a proceeding before the National Green Tribunal being O.A. No. 133/2016/EZ and obtain necessary order.

2k. During the business year 2016-2017, the petitioner deposited advance royalty on brick earth which is a valid deposit under the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules made thereunder and in terms of the aforesaid

110 ~~103~~

Judgments and Orders obtained by petitioner's association, the petitioner is entitled to deposit the same and to operate brickfield.

21. But, on 13.02.2017, the officers of Chinsurah Police Station entered petitioner's brickfield and seized two earth removers and six trucks as aforesaid, although not belonged to the petitioner and registered a frivolous case being Chinsurah P.S. Case No. 87/17 dated 13.02.2017 under Sections 379/411/414 of the Indian Penal Code read with Rule 50 of the West Bengal Minor Minerals Concessions Rules, 2016, Rule 3 of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 and Section 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957 against the petitioner. The same is totally illegal, unsustainable and unjustified because no offence is disclosed against the petitioner and, therefore, violated the Section 78 of the IPC. As such, the entire proceeding is liable to be quashed in terms of the aforesaid Judgments and Orders by which the petitioner is entitled to operate brickfield. Petitioner is paying royalty every year regularly including the business year of 2016-2017 for operating brick field. Hence, the petitioner has come up before this Hon'ble High Court by filing the aforesaid Criminal Revisional application and same has come up before this Bench for its disposal.

SUBMISSION ON BEHALF OF THE PETITIONER:

3. Learned Advocate appearing on behalf of the petitioner submitted that there was no basis for initiation of the criminal case and the same ought not to have been initiated and continued further rather it ought to have been dropped in view of the said solemn orders passed by the Hon'ble High Court time to time.

3a. It is further submitted that the Hon'ble High Court has allowed the petitioner to extract earth upon payment of royalty, cess etc. Such payment, however, shall be without prejudiced to the rights and contentions of the parties and will abide by the result of the writ petition. Upon payment of royalty, extraction of earth would have been allowed.

3b. In view of the said orders, the petitioner is entitled to extract brick earth upon payment of royalty. So, question of illegal extraction of the earth brick and/or theft of minerals is out and out false. Even knowing the facts of pendency of the writ petitions and aforesaid orders passed time to time, the BL & LRO was not justified in starting a criminal case against the petitioner either under the provisions of West Bengal Minor and Minerals Rules or Indian Penal Code. But, it was done only to harass the petitioner and with an ulterior motive. Accordingly, the entire proceeding is liable to be quashed. The FIR,



112

Charge Sheet and entire proceedings are also liable to be quashed otherwise it would be a gross abuse of process of law for which the petitioner would be greatly prejudiced.

3c. Finally, it is submitted that as per demand made by the District Land and Land Reforms Officer by issuance of Memo No. IX-08/BF-84/6162/MM dated 14.09.2017, the petitioner has paid land revenue, royalty and cess in respect of the petitioner's brickfield for the year 2016-2017 on instalments on 14.09.2017, 20.09.2017, 13.11.2017 and 23.11.2017. The Block Land and Land Reforms Officer, Chinsurah - Mogra, Hooghly by Office Memo No. 1125/Mog Chin/17 dated 22.11.2017 issued a 'No Due Certificate' in favour of the petitioner's brickfield business. Despite the said fact, the Investigating Officer of the case submitted the Charge Sheet being Chinsurah Police Station Charge Sheet No. 262/2018 dated 25.09.2018 u/s 379/411/414 of IPC and Rules 50 of the Minor Mineral Concession Rules 2016, Section 21(2) of Mines and Minerals Act, 1957 and Rule 30 of W.B. Minerals Rules. Same is liable to be quashed for securing ends of justice.

SUBMISSION ON BEHALF OF THE STATE:

4. Per contra, learned counsel appearing on behalf of the State strongly objected the prayer of the petitioner and submitted that the



113

petitioner has paid land revenue, royalty and cess in respect of the petitioner's brickfield for the year 2016-2017 in instalments on 14.09.2017, 20.09.2017, 13.11.2017 and 23.11.2017 after initiation of criminal proceedings. Accordingly, this Criminal Revisional application has devoid of merit and liable to be dismissed. However, learned counsel appearing on behalf of the State has filed a report and admitted that the petitioner has paid all the revenue, royalty and cess in respect of the petitioner's brickfield for the year 2016-2017 in instalments on the basis of report submitted before this Court.

DISCUSSIONS AND FINDINGS BY THIS COURT:

5. Heard the arguments of the rival parties and upon perusal of the materials on record and the report submitted by the learned counsel appearing on behalf of the State, it appears that the District Land and Land Reforms Officer by issuing Memo No. IX-08/BF-84/6162/MM dated 14.09.2017, demanded land revenue, royalty and cess in respect of the petitioner's brickfield for the year 2016-2017. Petitioner has paid the entire demand of land revenue, royalty and cess in instalments in terms of the demands. The Block Land and Land Reforms Officer, Chinsurah - Mogra, Hooghly by Office Memo No. 1125/Mog Chin/17 dated 22.11.2017 issued a 'No Due Certificate' in favour of the petitioner in respect of the petitioner's

114 ~~100~~

brickfield business. Despite the said fact, the Investigating Officer of the case submitted Charge Sheet being Chinsurah Police Station Charge Sheet No. 262/2018 dated 25.09.2018 u/s 379/411/414 of IPC and Rules 50 of the Minor Mineral Concession Rules 2016, Section 21(2) of Mines and Minerals Act, 1957 and Rule 30 of W.B. Minerals Rules is not justified and unsustainable in law.

6. It is not denied by the State that land revenue, royalties and cess have not been paid by the petitioner. The report also indicates, the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly gave a point-wise reply to the Officer - in - Charge, Chinsurah Police Station, Hooghly in the following manner: -

"i) In connection with the first query, it is ascertained that on Dineshwar Singh has paid the amount of Rs. 4,99,949/- as land revenue, cess and surcharges on 21.09.2017 through Bank Draft. On 20.09.2017, M/s. Keota Brick Field Pvt. Ltd. had submitted Rs. 300051/- as first instalment of royalty & cess through Demand Draft vide receipt no. 11/39 dated 20.09.2017. Authenticated copies of the same are annexed herewith for ready reference.

ii) In connection with the query no. 2, M/s. Keota Brick Field Pvt. Ltd. had submitted an amount of Rs. 4,10,304/- as 2nd instalment of royalty & cess, through Demand Draft vide receipt no. 1/45 dated 13.10.2017.

115 ~~115~~

Authenticated copy of the Duplicate Carbon Book is attached herewith.

iii) In connection with the 3rd query, M/s. Keota Brick Field Pvt. Ltd. once again submitted Rs. 400000/- as 3rd instalment of royalty & cess through Demand Draft vide receipt no. 13/47 dated 23.11.2017. Authenticated copy of receipt no. 13/47 is annexed.

iv) In connection with your last query it is stated that, the purpose of payments has already been described in the annexed copies. So, no further elaboration is required for the same."

7. From the reply of the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly to the Investigating Officer, it is apparent that the petitioner has paid the land revenue, cess and surcharges prior to filing of the Charge Sheet but despite the said fact, the Investigating Officer filed charge sheet against the petitioner though it is clear that there is no dues in respect of extraction of earth. No Due Certificate in favour of the petitioner's brickfield business was also issued.

8. Furthermore, this Court does not find any ingredients which require to constitute offence under Sections 379/411/414 of the IPC upon perusal of the material available on the record and has not been attributed any particular role against the present petitioner in the

116 ~~108~~

said impugned FIR. No particulars were also given with regard to the theft of any earth or brick earth to constitute the offence punishable under Sections 379/411/414 of the IPC.

9. Considering the said facts, the offence punishable under Sections 379/411/414 of the IPC has no manner and is not applicable against the present petitioner because from the seizure list it reveals two earth removers and six trucks were only seized. No other articles like extraction of the earth or brick earth were seized from the brick field. Mere seizure of earth removers and empty trucks, kept in the brickfield, does not establish or constitute any offence of illegal extraction of brick earth. Rather the petitioner is not the owner of the seized vehicles.

10. It is not the case of the concerned Authority that he has violated any terms and conditions or has not paid any royalty to the Government for such extraction of brick earth.

11. In view of the above facts and circumstances, the First Information Report being Chinsurah P.S. Case No. 87/17 dated 13.02.2017 under Sections 379/411/414 of the Indian Penal Code read with Rule 50 of the West Bengal Minor Minerals Concessions Rules, 2016, Rule 3 of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 and Section 21(2) of



117

the Mines and Minerals (Development and Regulation) Act, 1957 and the proceeding being G.R. Case No. 327 of 2017 appears illegal, frivolous and without any justification. The case of the petitioner is very clear and specific. He is extracting the earth bricks in view of the orders passed by the Hon'ble High Court time to time and those writ petitions are still pending. He also paid land revenue, royalty and cess as demanded by the authority and same has been admitted and endorsed by the concerned Authority.

12. In the above backgrounds, the complaint filed by the Block Land and Land Reforms Officer, Chinsurah - Mogra Block is bereft of any justification or merits. The allegation of unauthorised extraction and removal of minor and minerals by the petitioner from the brickfield situated at Mouza - Keota, J.L. No. 7, Sheet Nos. 17 & 18 consisting of L.R. Plot No. 8538, 8541, 8542, 8628, 8629, 8633, 8782 and 8781 under Chinsurah Police Station, District - Hooghly without any prior permission from the appropriate authority appears vague and incomplete. When the petitioner paid the entire land revenue, royalty and cess as per the demand, it does not manifest illegal extraction of earth by the petitioner. The payment of the said land revenue, royalty and cess is admitted by the State and No Dues Certificate for the year 2016-2017 has been issued by the Authority.

118

The ingredients of Sections 379/411/414 are also missing. Accordingly, if the proceeding is continued against the present petitioner that would be definitely a sheer abuse of process of law and to secure the ends of justice, this Court is not powerless to utilize inherent jurisdiction to interfere with the said proceeding.

13. We should not forget at this moment the well-settled law declared by the Hon'ble Supreme Court in the case of **State of Haryana & Ors. vs. Bhajanlal & Ors.**¹ which has laid down the basic points for consideration pursuant to which a complaint may be entertained in accordance with law before a Court of law. The Court has narrated down as to when the extraordinary power of this Court under Section 482 of the Code of Criminal Procedure may be espoused. Relevant portion thereof may beneficially be quoted herein below: -

"102. This Court in the backdrop of interpretation of various relevant provisions of CrPC under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC gave the following categories of cases by way of illustration wherein such power could be

¹ AIR 1992 SUPREME COURT 604 : 1992 Supp. (1) Supreme Court Cases 335



119

~~119~~

exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is



OS

permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

14. In the strength of above discussions made by this Court and in view of observation made by the Hon'ble Supreme Court in the above cited judgment, this Court fully satisfies that this case falls in the Categories mentioned in (1), (5) and (7) above.



e

121

~~109~~

15. Accordingly, **CRR No. 637 of 2017** is **allowed**. Connected applications, if any, are also, thus, disposed of.
16. Consequently, the proceeding being Chinsurah P.S. Case No. 87/17 dated 13.02.2017 under Sections 379/411/414 of the Indian Penal Code read with Rule 50 of the West Bengal Minor Minerals Concessions Rules, 2016, Rule 3 of the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 and Section 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957 corresponding to G.R. Case No. 327 of 2017 are hereby quashed insofar as the petitioner is concerned and all orders passed thereof in the said proceeding are also, thus, set aside.
17. Let a copy of this Judgment be sent to the Learned Trial Court for information.
18. Case Diary, if any, is to be returned to the learned counsel for the State.
19. Interim order, if any, stands vacated.
20. Parties will act on the server copies of this Judgment uploaded from the official website of this Court.



2024:CHC-AS:207

23

122

~~122~~

21. Urgent photostat certified copy of this judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)

P. Adak (P.A.)

123 Annexure - K
KEOTA BRICK FIELD PRIVATE LTD.

Brick Manufacturer & General Order Suppliers

ESTD-1916

H.O. : Keota Kultala, Sahaganj, Hooghly, Pin-712104, West Bengal

Mob : 9830364660 / 9088880099 / 8420574779

E-mail : vrwithbpsingh@gmail.com



Ref. No.

Date :- 4/2/2026

To

The Environmental Engineer & In Charge of West Bengal Pollution Control Board Hooghly Region, Himalya Bhawan Delhi Road, Dankuni Hooghly.

Sub :- To issue a C T O (consent to operate) of M/S Keota Brick Field Pvt Ltd from 30.4.2026 onwards – CtO Number WB PCB/3864528/2023 dated 15.3.2024

Respected Sir,

My Brick Field Namely – M/S Keota Brick Field Pvt Ltd is running smoothly by obtaining all Government License and also C T O from your respected department which is valid till 30.4.2026. Please kindly extend my C T O so I can complete my running season smoothly my WBPCB fees has been deposited of Rs - 129203.00 dated 6.9.2023 till 2028. This is only my business for my family bread & butter.

Sir, I request you by folding my two hands to you to issue my C T O till 2028 as Government fees has been deposited to your department till 2028.

Thanking you,

Your faithfully

KEOTA BRICK FIELD PVT. LTD.

Manoj Kumar Singh
Managing Director

RECEIVED

Contents Not Verified

W.B. Pollution Control Board

Hooghly Region Office

"Himalya Bhawan", Delhi Road

Dankuni, Hooghly-712311

05/02/26

KEOTA BRICK FIELD PRIVATE LTD.

General Order Suppliers

H.O. Keota Kultala, Sahaganj, Hooghly, Pin- 712104, West Bengal

Mob. 9088580099/8420574779

Email_ vrwithpsing@gmail.com

Ref No. _____

Date:- 4/2/2026

To
The Environmental Engineer & In Charge of West Bengal
Pollution Control Board Hooghly Region, Himalya Bhawan Delhi
Road, Dankuni Hooghly.

Sub:-To issue a CTO (consent to operate) of M/S Keota
Brick Field Pvt Ltd from 30.4.2026 onwards-CtO
Number WB PCB/3864528/2023 dated 15.3.2024

Respected Sir,

My Brick Field Namely-M/S Keota Brick Field Pvt Ltd is
running smoothly by obtaining all Government License and also
CTO from your respected department which is valid till
30.4.2026. Please kindly extend my CTO so I can complete my
running season smoothly my WBPCB fees has been deposited
of Rs.129203.00 dated 6.9.2023 till 2028.

This is only my business for my family bread & butter

Sir, I request you by folding my two hands to you issue
my CTO till 2028 as Government fees has been deposited to
your department till 2028.

Thanking you,

Yours faithfully

Sd/- illegible

124

Bhanu Pratap Singh

VAKALATNAMA
IN THE HIGH COURT AT CALCUTTA
NATIONAL GREEN TRIBUNAL - EZB

DISTRICT : _____

Constitutional Writ Civil, ~~Criminal Revisional~~
Appellate Jurisdiction

O.A No.

Of 2026/E2

Bhanu Pratap Singh

Appellant
Petitioner

-Versus-

The State of West Bengal and others -

Respondent
Opposite party

Vakalatnama on behalf of Applicant Knows all

men be these presents that by this Vakalatnama I/We appoint the Advocates Pleaders noted below or any one of them as my/our lawful Advocate or Advocates for filing the memorandum of appeal or petition in the above matter for appearing and conducting and arguing the same for depositing or Withdrawing any money in connection therewith, for moving the Court in any matter connected therewith for preparing the Paper Book in the case and for putting in papers, petition etc. on my/our behalf for filing or taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits, appeals, petition etc. for signing and filing the petitions of compromise in connection with the said matter and for taking copies of paper from the Record and I/We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate or Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocate or Advocates to conduct the case properly, failing which the said Advocate or Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/we sign and execute this vakalatnama, on this the 12 day of 03 2026

NAME OF THE ADVOCATE

Dipankar Thakur
Dipankar Thakur
Advocate
dipek1989thakur@gmail.com
9434214268
F/1809/2023

Pinaki Ranjan Chakrabarti
Pinaki Ranjan Chakrabarti
Advocate
email ID. advpre@gmail.com
Enrolment No - WB/173/1995
(M) - 9830096816