

26-06.2019
Court No.3
Sh/15.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 144 of 2019

Mithun Biswas. . . . Petitioner.

Vs.

The State of West Bengal & Ors. .Respondents.

Mr. Somnath Ghoshal.

. . .For the petitioners.

Mr. Subir Kumar Saha,

Mr. Bikramaditya Ghosh.

. . . For the State.

The writ petitioner claims to be the lessee for the purpose of carrying on works of sand excavation and other works incidental thereto.

It is the case of the petitioner that the petitioner has purchased machines for using the same for constructing temporary way for ingress and egress over the mining plot. On 30th January, 2019, the Block Land and Land Reforms Officer, Matigara Block conducted a raid and seized the said machine and registered a First Information Report being FIR No.51 of 2019 on 30th January, 2019 at Matigara Police Station and the concerned Investigating officer forwarded the same to the learned Court. Thereafter the investigating officer mentioned the matter before the learned Court of ACJM, Siliguri and the learned Court by an order dated 19th February, 2019 handed over the case to the Block Land and land Reforms Officer, Matigara, Darjeeling along with seized articles.

The petitioner has made a representation before the Sub-Divisional Officer, Siliguri, Darjeeling for release of the machines. The representation of the petitioner dated 10th May, 2019 has been annexed at page 63 of the instant writ petition.

The learned advocate appearing on behalf of the petitioner submits that though the copy of the representations have been duly received by the office of the Sub-Divisional Officer on May 10, 2019 but the Sub-Divisional Officer, Siliguri, Darjeeling has not taken any decision on the representation submitted by the writ petitioner till date.

Having heard the submission made by the learned advocates appearing for the respective parties and upon considering the materials on record, I dispose of this writ petition by directing the Sub-Divisional Officer, Siliguri, Darjeeling being the respondent no.3 in the instant writ petition to consider the representation dated 10th May, 2019 submitted by the writ petitioner before the said authority and dispose of the same by passing a reasoned order after affording an opportunity of hearing to the writ petitioner or his authorized representative within a period of four weeks from the date of communication of this order. The said authority shall communicate the reasoned order to the petitioner immediately thereafter.

The writ petition is accordingly, disposed of without any order as to costs.

Since the writ petition has been disposed of without calling for affidavits, the allegations contained in the writ petition shall be deemed not to have been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(HIRANMAY BHATTACHARYYA, J.)