

October 7, 2021

ARDR

(11)

WPA 15677 of 2021

Md. Asraful Biswas

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity,

Ms. Manika Sarkar,

...for the petitioner.

Mr. Pantu Deb Roy,

Mr. Pannalal Bandhopadhyay,

...for the State.

Heard the learned counsels for the parties.

The petitioner's case is that his representation filed before the authority for extension of lease granted to him in respect of water body for the purpose of pisciculture is still pending before the Additional District Magistrate and District Land & Land Reforms Officer, Malda and during pendency of the said representation, fresh notice of tender has been issued in respect of several water bodies including that of the petitioner on 6th September, 2021. Referring to paragraph 272 Clause (vi) of the West Bengal Land and Land Reforms Manual, 1991 the petitioner submits that the authorities could not have issued notice for a fresh lease during pendency of his representation before them.

Referring to the instructions filed on behalf of the respondents, learned counsel for the respondents submits that as the land held by the petitioner was

below 20 hectares and the period of lease for five years has expired, the petitioner was not entitled to pray for extension of the same.

It is evident from the record that the representation filed by the petitioner before the respondent authorities was forwarded to respondent no.3 by respondent no.4 for consideration. The said representation is still pending consideration, as submitted by the parties.

In the circumstances, the respondent no.3 is directed to consider and dispose of the representation filed by the petitioner within a period of one month from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner and other affected parties, in accordance with law.

Pending disposal of the representation filed by the petitioner, there shall be stay of the tender floated on 6th September, 2021 in respect of item no.24 *Khaschandpur Jalkar*.

The respondent authorities are at liberty to give effect to the tender insofar as item nos. 1 to 23 are concerned.

The result of the representation should be communicated to the petitioner within a week of disposal of the same.

With the above observation, WPA 15677 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)