

02.12.2021
jb.

W.P.A. 28989 of 2017
(Smt. Rama Bauri vs. State of West Bengal & Ors.)

Mr. Pallav Chatterjee
.... For the Petitioner

Mr. T. M. Siddiqui
Mr. Ram Ch. Guchhait
Mr. D. Ghosh
.... For the State

Heard learned counsels for the parties.

The petitioner was granted long-term mining lease by the respondent Authority on 9th January, 2009 which was subsequently extended up to 3rd January, 2017. The petitioner complains that due to closure of the approach road connecting the sand quarry and the main road, the petitioner was unable to carry out extraction of sand for the period between 10th May, 2015 and 7th June, 2016. In view of the said fact, the petitioner applied before the Authority for further extension of the lease which was turned down by the Authority with an observation that during the same period another lessee named Manju Dhara continued her mining operation by receiving challans from the Authority, but the petitioner failed and neglected to

receive such challan and was unable to carry out business due to *her* own fault and negligence.

Learned counsel for the petitioner draws the attention of the Court to certificates issued by the Assistant Engineer, Burdwan East Sub Division, P.W.D., Savapati, Burdwan II Panchayat Samity, and Block Development Officer, Burdwan (Annexure P/9 to the writ petition) and has submitted that the petitioner was unable to carry on such extraction due to closure of the approach road. The petitioner submitted further representation before the District Magistrate, Purba Burdwan on 9th October, 2017 for reconsideration of the earlier order of rejection which is yet to be disposed of. The petitioner prays for a direction upon the Authority to dispose of the same representation in the light of the certificates issued by Assistant Engineer, Burdwan East Sub Division, P.W.D., Savapati, Burdwan II Panchayat Samity, and Block Development Officer, Burdwan.

It is submitted on behalf of the State that the petitioner failed to avail of the opportunity of collecting challans for *her* business and was unable to carry on the same due to *her* own fault and negligence. In view of the present position of law, the petitioner has no other option but to participate in the e-auction for grant of long term mining lease.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of with a direction upon the 2nd respondent to consider and dispose of the representation of the petitioner dated 9th October, 2017 within a period of six weeks from the date of communication of this order, after affording reasonable opportunity of hearing to the interested parties including the petitioner, in accordance with law. The 2nd respondent should take notice of the certificates referred to above while disposing of the representation. The order passed therein should be communicated to the petitioner within a period of fortnight thereafter.

With the above observation, W.P.A. 28989 of 2017 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)