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04.02.2022
jb.

W.P.A. 654 of 2022
(Anima Basu vs. State of West Bengal and others.)

Mr. Rabiul Islam
Ms. Pramita Banerjee
... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
... For the State

It is submitted on behalf of the petitioner that the petitioner's husband was granted long term mining lease by the State respondents by virtue of deed executed and registered in 2013 and possession of the land was handed over on 26th November, 2013. The lease deed was scheduled to expire on 25th November, 2018. Show-cause notice alleging excavation of sand beyond the specified area and also demanding an amount of Rs.8,84,971/- as penal charges was slapped upon the petitioner's husband on 29th May, 2015 and he was not allowed to excavate sand. A proceeding was drawn up against the said lessee by the ADM and BL & LRO, Paschim Medinipur and by an order dated 23rd December, 2015 the lessee was held guilty of excess excavation of sand. The lessee carried an appeal before

the Joint Secretary, Department of Industry and Commerce and Enterprises against the said order and by an order dated 13th March, 2018 the appellate Forum disposed of the appeal directing the lessee to pay the penalty to the concerned Authority. Such order being complied with, the lessee was allowed to carry on excavation work after such work was halted for about 3 years and 3 months. Unfortunately the term of lease expired on 25th November, 2018. The lessee expired on 16th September, 2020 following which the petitioner being the wife of the lessee approached the Authority on several occasions for extension of the period of lease, but to no effect.

Learned counsel for the petitioner refers to the representation submitted by the petitioner before the concerned Authority on 26th July 2021 and prays for direction upon the Authority to consider the same at the earliest.

It is submitted on behalf of the State respondents that it should be left to the Authority to consider the representation of the petitioner on merits.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 4th respondent to consider and dispose of

the representation submitted by the petitioner dated 26th July, 2021 within a period of one month from the date of communication of this order upon giving reasonable opportunity of hearing to all the interested parties including the petitioner in accordance with law. The decision taken by the Authority should be communicated to the petitioner within a week thereafter.

W.P.A. 654 of 2022 is thus 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.)