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jdt.

10.11.2022
jb.

W.P.A. 1836 of 2022
(Siddhartha Konar. vs. State of West Bengal & Ors.)

Mr. Pinaki Ranjan Chakraborty
.... For the Petitioner

Mr. Sirsanya Bandyopadhyay
Ms. Tapati Samanta
.... For the State

Mr. Sanjay Saha
.... For the WBMDTC Limited

Affidavit in reply to the report in the form of affidavit used by the petitioner is taken on record.

Heard learned counsels for the parties.

The contention of the petitioner is that he was granted long term mining lease in respect of the plot in question vide deed executed on 31st January, 2017 and registered on 2nd February, 2017 and possession of the lease hold area was handed over to him on 3rd February, 2017. The petitioner was unable to carry on mining operation in the said plot due to Covid 19 pandemic, the rainy season as well as the assembly elections and has submitted a representation before the

concerned authority requesting extension of the period of lease.

Placing reliance on the report in the form of affidavit submitted on behalf of the 4th respondent, learned counsel for the State respondents has submitted that lockdown was imposed in the entire country just six days before the expiry of the financial year 2019-2020. The petitioner was not restrained from carrying on mining operation during the said financial year. Challan was issued in favour of the petitioner for the financial year 2019-2020 for extraction of sand amounting to 3,68,600 cubic feet and for the financial year 2020-2021 for extraction of 6,50,540 cubic feet, indicating thereby that the quantum of sand extracted during the lockdown period was double than that of the earlier financial year. Moreover, the petitioner has two other sand mining leases under Galsi II and Raina II police stations and the petitioner had applied for permission for stock and sale in respect of the said lease hold plots during the rainy season but deliberately refrained from making such application in respect of the property in question.

Be that as it may, since the petitioner seeks a direction upon the concerned authority to consider his representation which is pending before the authority, the writ petition is disposed of directing the 4th respondent to consider and dispose of the

representation of the petitioner pending before the authority since 22nd December, 2021 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to consider the prayer of the petitioner made in the representation independently and in accordance with law without being influenced by any observation made in the body of this order.

The writ petition 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.)