

WPA 3408 of 2022

Bapi Maity
Vs.
The State of W.B. & Ors.

Mr. S. K. Roy
Mr. Abhishek Banerjee
...for the petitioner.
Mr. Chandi Charan De
Ms. R. Rahaman
...for the State.

Affidavit of service and supplementary affidavit filed on behalf of the petitioner are taken on record.

The petitioner prays for consideration of his representation submitted before the authority on 17th January, 2022.

Being the highest bidder in the e-auction for grant of mining lease, the petitioner was granted long-term mining lease by virtue of deed dated 23rd May, 2017 for a period of five years.

After opening of the sand block, Aniket Dam was built on the river Kangsabati as a result of which the water level of the river is rising continuously and the mining area is submerged, thereby preventing the petitioner from continuing with the mining.

The petitioner submitted an application before the authority for reallocation of the sand block, which is still pending.

Learned counsel for the petitioner refers to page 63 of the writ petition which demonstrates that hearing in this regard was conducted on 4th April, 2019. But no order has been passed since then.

The petitioner submitted a representation before the authority on 17th January, 2022 in this regard and prays for a direction upon the authority to consider the representation at the earliest as the lease is due to expire on 31st May, 2022.

In view of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 3rd respondent herein to consider and dispose of the representation submitted by the petitioner dated 17th January, 2022 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition being WPA 3408 of 2022 is disposed of.

However, there shall be no order as to costs.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)