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14.12.2022
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W.P.A. 5849 of 2022
(Ranjan Mondal. vs. State of West Bengal & Ors.)

Mr. Samiran Mondal
Mr. Nitish Samanta
Mr. Abhinaba Dan

.... For the Petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar

.... For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Upon being the highest bidder in an e-auction floated by the respondents and upon depositing the earnest money and other requisite amount, the petitioner was granted long term mining lease in respect of a sand block for a period of five years by virtue of a deed registered on 2nd May, 2017. Since the petitioner was unable to continue with sand mining operation in the said block due to non-availability of sand therein, the petitioner sought refund of the amount deposited by him before the authority.

Learned counsel for the petitioner takes this Court to a field verification report of the Executive Engineer, Irrigation and Waterways Department, Bankura Irrigation Division dated 6th November, 2017 which demonstrates that the quantity of

sand in the sand block in question does not appear to be promising and shall not sustain any commercial exploitation of the resource.

Pursuant to the request of the petitioner, the Additional District Magistrate and District Land and Land Reforms Officer, Bankura, by a letter issued on 25th October, 2019 to the Joint Secretary to the Government of West Bengal, Department of Industry, Commerce and Enterprises (Mines Branch), Government of West Bengal, requested the latter to make necessary arrangement for issuing executive order for refunding the amount of Rs.1,38,87,685/- or issuing any other instruction as he may deem fit and proper.

Learned counsel for the petitioner submits that no further step has been taken by the concerned authority in terms of the said communication.

It is submitted on behalf of the respondents that the concerned authority being the 2nd respondent herein, be directed to act in terms of the letter dated 25th October, 2019, in accordance with law.

Accordingly, the writ petition is disposed of directing the 2nd respondent to act in terms of the letter issued to him by the Additional District Magistrate and District Land and Land Reforms Officer, Bankura on 25th October, 2019 and make necessary arrangement for refund of the amount stated in the said letter to the petitioner within two months from the date of communication 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.)