

79.
25.04.2022
S.D.

W.P.A. 7638 of 2021

**Shyam Sundar Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Mir Anowar

... For the Petitioner.

Mr. Amal Kumar Sen, A.G.P.,
Mr. Lal Mohan Basu

..For the State.

Mr. Suman Basu

...For the Respondent No. 8.

Affidavit of service filed by the petitioner and report filed by the State respondents are taken on record.

It is not in dispute that being the highest bidder in e auction for long term mining lease, the petitioner was granted lease for mining sand in the district of Purba Burdwan and the only approach road for transportation of sand to and from the plot in question is through Hooghly district. A letter issued by the District Magistrate, Purba Burdwan to the District Magistrate, Hooghly on 24.1.2022 demonstrates that a joint inspection was held with the officials of Hooghly district which revealed that there was no alternative transit except the path used by the petitioner and a request was made to the

Additional District Magistrate and District land and Land Reforms Officer, Hooghly on 12.3.2019 for looking into the matter so that the petitioner could carry on his mining operation through Hooghly district.

The petitioner submitted a representation in this regard before the concerned authority on 12.2.2021 which is yet to be disposed of. The petitioner prays for a direction upon the Joint Secretary, Government of West Bengal Commercial and Industries Department, being the 10th respondent herein, for considering the representation at the earliest.

In view of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 10th respondent to consider and dispose of the representation submitted by the petitioner dated 12.2.2021 within one month from the date of communication of this order after affording 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 thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place

his contention as made out in the writ petition before the authority at the time of hearing.

With the above observations and directions, the writ petition being W.P.A. 7638 of 2021 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.)