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23.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 7602 of 2022

**Paritosh Haldar
-versus
The State of West Bengal & Ors.**

**Mr. Jagabandhu Roy,
Mr. Joy Chakraborty.
...For the Petitioner.**

**Mr. Jaharlal De,
Mr. Rudranil De.
...For the State.**

The petitioner was the highest bidder in the open public bidding for public auction of Beltali Hat which was conducted in compliance of the order dated 3rd October, 2012 in W.P.20163 (W) of 2012 with W.P. 9586 (W) of 2004.

The Hat was settled in favour of the petitioner for one year with effect from 1st August, 2018 to 31st July, 2019.

The petitioner deposited the money but in view of the pandemic situation due to non-functioning of the Hat, the petitioner was not able to conduct his business. Considering the loss of business of the petitioner, the Panchayat Samity permitted the petitioner to run the Hat for another year and the petitioner deposited the requisite fees for the same.

The petitioner submits that even during the extended period of settlement, he was unable to conduct his business because of the pandemic situation.

A representation has been made by the petitioner before the concerned authority on 20th April, 2022 praying for a further extension of the settlement period.

The petitioner alleges that the said representation has not been considered till date.

Learned advocate appearing for the Sub-Divisional Officer submits that the period of settlement has long expired and fresh settlement is liable to be granted after holding public auction.

It is an admitted fact that because of the pandemic there were reasonable restrictions for running of the Hat and it may be possible that the petitioner was not able to conduct his business properly.

The petitioner has applied before the Sub-Divisional Officer praying for extension of his period of settlement. The representation of the petitioner is pending consideration.

Accordingly, the instant writ petition is disposed of by directing the respondent no.3 being the Sub-Divisional Officer to consider the representation made by the petitioner on 20th April, 2022, strictly in accordance with law, at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order. The said respondent shall afford an opportunity of hearing to the

petitioner and pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 20th April, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)