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jdt.

15.07.2022
jb.

W.P.A. 8471 of 2022
(Harish Chandra Bera vs. State of West Bengal & Ors.)

Mr. Saptangshu Basu
Mr. Purnasis Bhuniya
.... For the Petitioner

Mr. Chandi Charan De
Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

Learned counsel for the petitioner submits that copy of the writ petition has been served on the second respondent but the affidavit of service in this regard cannot be filed as learned advocate on record has met with an accident and is hospitalised.

The petitioner was granted mining lease by the State respondents for a period of five years commencing from 1st August, 2017. The petitioner submits that he was unable to continue with mining operation for some time in 2019 due to personal difficulties. The petitioner made several applications before the authority subsequently for issuing carrying order to extract sand upon payment of royalty as usual. Such applications were not heeded to by the authority. The petitioner

submitted a representation in this regard before the authority on 10th March, 2022 which is also not considered. The petitioner prays for direction upon the authority to consider the representation at the earliest in view of the fact that the mining lease agreement expires on 31st July, 2022.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 10th March, 2022 within 25th July, 2022 upon affording reasonable opportunity of hearing to the petitioner, in accordance with law. In the event it is found that the petitioner is entitled to the carrying order, the concerned authority should issue such carrying order in favour of the petitioner on the same date.

W.P.A. 8471 of 2022 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.)