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jdt.

18.07.2022
jb.

W.P.A. 9346 of 2022
(Smt. Anima Basu vs. State of West Bengal & Ors.)

Mr. Rabiul Islam
Mr. S. A. Munshi
Mrs. Firoja Khatun
.... For the Petitioner

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

The petitioner's husband was granted long term mining lease for five years vide an agreement dated 10th April, 2013 and possession was handed over to him on 26th November, 2013. The term of the lease expired on 25th November, 2018. A show cause notice was issued upon the petitioner's husband on 29th May, 2015 alleging excavation of sand beyond the areas specified in the lease and demanding an amount of Rs.8,84,971/-. The petitioner's husband was not allowed to continue with the mining operation from 29th May, 2015. The order was challenged before the Joint Secretary, Department of Industry, Commerce and Enterprises and the same was disposed of on 13th March, 2018 directing the

petitioner's husband to pay the penalty and/or short fall. On payment of the said amount the suspension order was withdrawn by a letter dated 30th August, 2018 and the petitioner's husband continued to carry on mining operation till expiry of the lease.

The petitioner's husband expired on 16th September, 2020 and the petitioner approached the authority on several occasions for extension of the period of lease, but to no effect. The petitioner has taken the Court to the order of the Additional District Magistrate and the District Land and Land Reforms Officer, Paschim Medinipur passed on 3rd March, 2022 stating that the matter would be placed in the next meeting of the District Committee for competitive bidding, Paschim Medinipur as the Additional District Magistrate himself was not the appropriate authority to take a decision in this regard. The matter was placed before the District Committee for competitive bidding and in the minutes of the meeting held by the committee on 5th April, 2022 it was recorded that in terms of the notification dated 30th July, 2021 the excavation, transportation, storage, sale and consumption of sand was being monitored by the West Bengal Mining

Development and Trading Corporation Limited (In short 'WBMDTCL') and the committee had no authority to decide the issue.

It is surprising to note that despite making an observation to the effect that the committee had no jurisdiction to issue extension of the lease as prayed for by the petitioner, the concluding lines of the minutes of the meeting held on 5th April, 2022 say that "the committee has decided not to give any more extension of lease period to the petitioner."

It is not understood as to under what authority such rejection order was passed by the committee who admittedly did not have the authority to deal with the matter at the relevant point of time.

In view of the same, the following portion of the minutes of the meeting dated 5th April, 2022 is set aside/quashed.

"Decision- Considering the prayer of Anima Bose, wife of the lessee, Naresh Chandra Bose (now deceased), and the speaking order of the Ld. ADM & DL & LRO dt. 03.03.2022, the committee has decided not to give any more extension of lease period to the petitioner."

As recorded by the committee in the said meeting the matter be referred to WBMDTCL along with copy of the petition submitted by the petitioner and other relevant documents for considering the application made by the petitioner and taking a decision with regard to the same within one month from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the authority at the time of hearing.

W.P.A. 9346 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.)