

22
01.09.2022
Ct.No.10
b.das

WPA No. 10665 of 2022

Anup Das
Versus
The State of West Bengal & Ors.

Mr. Mir Anowar ...for the petitioner.

Mr. Chandi Charan De
Mr. Soumitra Bandyopadhyay
Mr. A. Sarkar ...for the State.

Mr. Sanjay Saha
Mr. S. Bhattacharya ...for the WBMDTC Ltd.

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

Being the higher bidder in e-auction process inviting tender for grant of mining lease for sand and upon payment of the entire bid amount, long-term mining lease was registered in favour of the petitioner on 3rd June, 2019 for a period of five years.

It is submitted on behalf of the petitioner that the leasehold plot was delivered to the petitioner on 26th June, 2019, but the petitioner was unable to extract sand from the sand block due to inadequate deposit of sand therein for which the petitioner made several representations before the concerned authority for changing the sand block, which were not heeded to.

Finally, the Additional District Magistrate and District Land and Land Reforms Officer, Paschim

Medinipur by a letter dated 12th April, 2022, informed the petitioner that as per resolution of the District Committee for Competitive Bidding, Paschim Medinipur passed on 8th December, 2021, no more shifting application would be considered from their end.

The petitioner has assailed the said letter in the writ petition and has prayed for reconsideration of the representation submitted by the petitioner by the concerned authority.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is of the view that the decision taken by the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur vide letter dated 12th April, 2022 is not supported by any reason whatsoever and is required to be set aside.

In view of the same, the decision taken by the concerned authority and communicated by the letter dated 12th April, 2022 is set aside/quashed. The concerned authority being the 3rd respondent, herein is directed to reconsider the representation submitted by the petitioner dated 8th April, 2022 within a period of one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and pass a reasoned and speaking order in this regard, in accordance with law.

The decision taken by the concerned authority shall be communicated to the petitioner within one week thereof.

With the above directions, W.P.A. 10665 of 2022 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.)