

WPA 13183 of 2022

Binod Dehuri
Vs.
State of W. B. & Ors.

Mr. Rahul Karmakar
Mr. K. Sengupta
Mr. S. Mukherjee
Mr. S. Guchait ...for the petitioner.

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

Mr. Sanjay Saha
Mr. S. Bhattacharya ...for the WBMDTCL.

Report submitted on behalf of the State respondents
is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner was granted mining lease for a period of five years vide deed of lease registered on 16th May, 2017, which expired on May 15, 2022. Due to the covid-19 pandemic, the petitioner was unable to continue with mining operation for a considerable period of time and sought extension of the deed of lease for the said period of twenty months.

Learned counsel for the petitioner takes this Court to an order issued by the Government of West Bengal on 28th February, 2022 which records that all sand mining lease

expiring till April, 2022 are hereby extended till 31st May, 2022.

Learned counsel submits that though the petitioner is not covered by the said order, the request of the petitioner ought to be considered by the authority keeping in mind the inability of the petitioner to continue with mining operation for about twenty months due to the covid-19 pandemic.

The petitioner seeks liberty to submit a comprehensive representation stating entire facts before the concerned authority and prays for a direction upon the authority to consider the same within a stipulated time frame.

It is submitted on behalf of the State respondents that the 6th respondent be directed to consider the representation submitted by the petitioner, in accordance with law.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner was unable to continue with mining operation for considerable period of time due to the covid-19 pandemic, though he is not covered by the order dated 28th February, 2022 passed by the Government of West Bengal, the authority should take a practical approach to the prayer of the petitioner and consider extension of the period of mining lease in his favour at least for the period lost by him due to the pandemic.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation as prayed for, before the 6th respondent within a week from date. The 6th respondent is directed to consider and dispose of the representation within a period of one month from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested parties including the petitioner and in the light of the observation made in the body of this order, in accordance with law.

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

With the above observations and directions, the writ petition being WPA 13183 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.)