

August 12, 2022
ARDR
(24)

WPA 13646 of 2022

Tapas Porel
Vs.
The State of West Bengal & Ors.

Mr. Kishore Dutta, Sr. Adv.,
Mr. Krishnendu Bera,
...for the petitioner.
Mr. Chandi Charan De,
Ms. Kakali Naskar,
...for the State.

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

Pursuant to an order passed by a coordinate Bench of this Court in WP 612 (W) of 2019, a deed of lease was executed in favour of the petitioner in respect of the plots in question for a period of five years in the month of February, 2020. The petitioner was unable to extract sand from the said plots due to resistance offered by political persons aided by local people and also due to advent of the pandemic. Upon intervention of the local administration, the petitioner entered into the leasehold plots and started extraction but was again restrained by local persons who forcibly started extracting sand from the leasehold plots of the petitioner. Several complaints lodged by the petitioner before the administration as well as the police authority fell on deaf ears. On 11th May, 2022 the petitioner was served with a notice by the District Magistrate, Bankura, indicating that illegal

activities were being carried on in the plots in question by the lessee for which mining operation was suspended until further orders and the petitioner was directed to show cause as to why appropriate action including termination of the lease would not be taken against him. The petitioner filed a reply to the said show cause notice before the concerned authority on 18th May, 2022 stating the entire facts but the same has not been considered as yet. The petitioner prays for a direction upon the authority to consider the reply submitted by him and also a restraining order upon the authority prohibiting the latter from taking any coercive action against the petitioner during the said period.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the reply filed by the petitioner and complete the proceeding in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to deal with the reply and conclude the proceeding initiated by him vide order dated 11th May, 2022 by a reasoned and speaking order after affording reasonable opportunity of hearing to all the interested parties including the petitioner within fifteen days from the date of communication of this order, in accordance with law.

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

It is made clear that this Court has not gone into the merit of the case and the petitioner shall be at liberty to place his contention before the authority at the time of hearing.

Pending disposal of the reply submitted by the petitioner, no coercive step shall be taken by the 3rd respondent against the petitioner with regard to the plots in question.

With the above directions, WPA 13646 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)