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31.10.2022
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W.P.A. 15743 of 2022
(Ambey Abasan Private Limited vs. State of West Bengal & Ors.)

Mr. Somnath Roychowdhury
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Affidavit of service and supplementary affidavit submitted by the petitioner are taken on record.

Being the highest bidder in auction floated by the respondents for grant of long term mining lease, deed of lease was executed in favour of the petitioner on January 3, 2018 for a period of five years upon payment of the entire lease rent in advance. Upon obtaining possession of the plots in question, it was found that the plots were submerged in water and there was no sand reserved in the said plots to be excavated. The petitioner submitted several representations before the concerned authority for allotment of alternative plots for the purpose of sand mining, the last representation being submitted on 6th July, 2022. The representation is yet to be considered by the authorities. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the petitioner refers to a letter issued by the Block Land and Land Reforms Officer, Chandrakona-I, Paschim Medinipur to the District Land and Land Reforms Officer, Paschim Medinipur on 28th December, 2018 which says that the plots in question are submerged under water and passage for carrying sand is also narrow.

Learned counsel further submits that out of three plots allotted in its favour one plot has already been substituted and the authority is sitting tight in respect of the other two plots.

It is submitted on behalf of the respondents that the 4th 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, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 6th July, 2022 within one month from the date of communication of this order upon giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

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

The writ petition 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.)