

21
jdt.

21.11.2022
jb.

W.P.A. 17796 of 2022
(Sushil Pati vs. State of West Bengal & Ors.)

Mr. Robiul Islam
Mr. Raja Mondal

.... For the Petitioner

Mr. Chandi Charan De
Mr. Haripada Maity

.... For the State

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

Heard learned counsels for the parties.

Being the highest bidder in the e-auction floated by the respondents for excavation of sand upon depositing requisite fees, the petitioner was granted lease for a period of five years vide deed of lease executed and registered on 26th April, 2017 which has expired on 25th April, 2022. Due to advent of Covid 19 pandemic, the petitioner was unable to carry on excavation work for considerable period of time and filed a representation on 24th January, 2022 before the concerned authority for extension of the period of lease on the said ground.

Learned counsel for the petitioner has taken this Court to Clause 5 of Part IX which indicates that in the

event of failure or delay on the part of the lessee to fulfill any of the terms and conditions of the lease in view of force majeure, the period of such delay shall be added to the period fixed by the lease. The petitioner prays for consideration of his representation by the authority at the earliest.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 5th respondent to consider the representation dated 24th January, 2022 filed by the petitioner within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons 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.)