

WPA 20401 of 2022

Anita Barman
Vs.
The State of W.B. & Ors.

Mr. Bikash Ranjan Bhattacharya
Mr. Kallol Basu
Mr. Suman Banerjee ...for the petitioner.

Mr. A. K. Ganguly
Mr. Subrata Das Gupta ...for the State.

Mr. Sanjay Saha ...for the WBMDTCL.

Affidavit of service filed by the petitioner 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 and upon depositing 1/3rd of the bid amount along with other requisite fees, Letter of Intent was issued in favour of the petitioners on 10th August, 2018.

The petitioners submit that issuance of Environment Clearance Certificate is awaiting and the petitioners shall not be able to operate the said sand block even upon grant of such clearance in his favour due to unavailability of adequate sand therein.

The petitioners submitted representation before the concerned authority on 25th June, 2022 and 24th August,

2022 respectively requesting grant of an alternative plot for commencing mining operation upon receipt of Environment Clearance Certificate. The said representations still remain unheeded to. The petitioners pray for a direction upon the authority to consider the representations at the earliest and allot him an alternative sand block as identified by him in the representations.

Upon consideration of the submissions made on behalf of both the parties, the writ petition is disposed of directing the District Magistrate, being the 3rd respondent herein, to consider and dispose of both the representations submitted by the petitioners dated 25th June, 2022 and 24th August, 2022 respectively within six weeks from the date of communication of this order after affording 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 petitioners within a week thereafter.

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

Learned counsel for the petitioner prays for an interim stay of allotment of the alternative plot in favour of any other person in the meantime. Since it is for the authority to decide whether the alternative plot as found by the petitioner can be granted to the petitioner, no

restraining order upon the authority can be granted at this stage.

Accordingly, the writ petition being WPA 20401 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.)