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19.09.2022
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Ct 39

WPA 20833 of 2022

Madhumita Thakur & anr.

-vs-

Hindustan Petroleum Corporation Limited & anr.

Mr. Indranath Mitra

Mr. Siddhartha Ruj

.....for the petitioners

Mr. Biswanath Chatterjee

Mr. S. Kumar Pathak

...for the respondent nos. 1 & 2

This is an application seeking direction upon the respondent authorities to accept and record alternative land being offered by the petitioners and to allow the petitioners to continue with the project of petrol pump in the said land.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners were granted Letter of Intent by the respondent HPCL in respect of a petrol pump on 20.03.2020. On 22.07.2021, the HPCL wrote a letter to the DM & Collector, Birbhum to issue No Objection Certificate in respect of the plots of land. In January, 2022, an application was made for conversion in respect of plot no. 640. Thereafter, an application was made for correction. Conversion certificate was thereafter issued. In May 2022, the petitioners came to know that correction will not be allowed. Therefore, they offered an alternative plot. On 28.06.2022, the respondent no.2 issued a letter asking for explanation from the petitioners. The petitioners gave two

replies to the letter dated 18.08.2022 and 26.08.2022. Yet, they received no response to the said show cause.

Learned counsel appearing on behalf of the respondent nos. 1 and 2 submits as follows. The application is pre-matured. Although the petitioners were to offer an alternative land within 90 days from the Letter of Intent, the same was done much later. Till date, the petitioners' LOI has not been cancelled. Even the show cause filed by the petitioners are out of time.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the two letters issued by the petitioners provided explanations in response to the show cause notice earlier issued by the respondents are still pending consideration.

In view of the above and in the interest of justice, I direct the respondent no.2 to consider the said representations of the petitioners in accordance with law within two months from the date of communication of this order and after giving opportunity of hearing to the petitioners.

With these observations, the writ petition is disposed of.

There shall be no order as to costs.

The merits have not been gone into.

Urgent photostat certified copies of this order may be

delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)