

WPA 22676 of 2022

Rajesh Mahato
Vs.
The State of West Bengal & ors.

Adv. P.K. Bhattacharyay,
Adv. Iftikar Munshi,

...for the petitioner.

Adv. Chandi Charan De,
Adv. S. Bandyopadhyay,

...for the State.

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

The petitioner prays for a direction upon the concerned authority to consider the representation submitted by the petitioner before the concerned authority on 31st August, 2022.

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease in 2017 and was extracting sand from river Damodar in terms of the said lease. During such extraction/storage of sand there was storage of 17,85,000 cft. of excess sand stored by the petitioner for which the petitioner intended to pay fine to the tune of 1.5 times of the royalty, cess, DNF, TCS. etc. to the authority. The portal I.D. of the petitioner was shut down by the authority from 4th August, 2022 to 26th August, 2022 and was started on and from 27th August, 2022 as a result of which the petitioner was unable to dispose of the stored sand during the said period. The petitioner submitted a representation before the authority

on 31st August, 2022 in this regard and prays for a direction upon the authority to consider the representation at the earliest.

In refuting the submission made on behalf of the petitioner, it is submitted on behalf of the State respondents that it is admission of the petitioner that the petitioner had stored the sand in excess of the permissible amount stated in the permit and as such, the petitioner is not entitled to any favourable consideration by the authority.

Be that as it may, since the representation submitted by the petitioner before the authority is still pending, the authority may be directed to consider the same in accordance with law.

Accordingly, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 31st August, 2022 within 30th November, 2022 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 petitioner within a week thereof.

With the aforesaid directions, WPA 22676 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.)