

November 28, 2022
ARDR
(69)

WPA 22833 of 2022
+
CAN 1 of 2022

Jitendra Kumar Mishra
Vs.
The State of West Bengal & ors.

Adv. Mir Anowar,	...for the petitioner.
Adv. Sanjay Saha,	
Adv. Subhasish Bhattacharyya,	...for the WBMDTCL.
Adv. Anirban Ray, Ld. G.P.,	
Adv. Raja Saha,	
Adv. Piyali Sengupta,	...for the State.

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

The petitioner assails the notice issued to him by the Block Land & Land Reforms Officer on 29th July, 2022 instructing him not to transport the excess sand stored by the petitioner in the sand block in question. The petitioner submitted a representation before the concerned authority on September 12, 2022 requesting issuance of road challan for the stocked sand. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

During pendency of the representation, an e-auction was floated by the concerned authority for such excess stored sand for which the petitioner came up before this Court by an application being CAN 1 of 2022 and a supplementary affidavit. Today it is submitted on behalf of

the petitioner as well as the State respondents that the said notice of e-auction has been postponed by the authority.

In view of the above, this Court is inclined to hold that the representation submitted by the petitioner ought to be considered by the concerned authority in accordance with law.

Accordingly, the writ petition is disposed directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated September 12, 2022 within one month from the date of communication of this order upon giving 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.

With the aforesaid directions, WPA 22833 of 2022 is disposed of. There shall however, be no order as to costs.

The application being CAN 1 of 2022 is also disposed of.

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.)