

WPA 22858 of 2022

Bikalpa Traders Pvt. Ltd.
Vs.
The State of W.B. & Ors.

Mr. Somnath Roy Chowdhury ...for the petitioner.

Mr. Ansar Mandal
Mr. S. Mitra ...for the State.

Mr. Sanjay Saha
Mr. S. Bhattacharya ...for the WBMDTCL.

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

Being the highest bidder in the e-auction floated by the respondents in September, 2017 for grant of long-term mining lease, the petitioner was granted long-term mining lease by virtue of deed of lease executed and registered in favour of the petitioner on 8th November, 2017 and 22nd November, 2017 respectively upon payment of 1/3rd of the bid amount by the petitioner. The petitioner carried on mining operation from January 2018 to November, 2018 after which the authority stopped issuance of challan in favour of the petitioner due to objections raised by the local villagers on religious issues.

Several representations submitted by the petitioner before the authority seeking permission to resume mining operation fell on deaf ears. The petitioner finally submitted

a representation before the concerned authority on 31st August, 2022 with an undertaking that he shall not carry on mining operations near the areas objected to by the local villagers. Such representation is yet to be considered.

The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

In view of the submissions made on behalf of the parties, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 31st August, 2022 within a period of one month from the date of communication of this order, after giving 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 above observations and directions this writ petition being WPA 22858 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.)