

WPA 23975 of 2022

Paritosh Mondal
Vs.
The State of West Bengal & ors.

Adv. Mir Anowar,
...for the petitioner.
Adv. Sanjay Saha,
Adv. Subhasish Bhattacharya,
..for the WBMDTCL.
Adv. Sirsanya Bandyopadhyay,
Adv. Arka Kumar Nag,
...for the State.

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

The petitioner has contended that he was granted long term mining lease in respect of the sand block in question vide deed of lease registered on 23rd February, 2017 for a period of five years and the term of the lease has expired on 22nd February, 2022. The petitioner was directed to stop the sand mining due to installation of Radial Collector to draw the required quantity of water for AMRUT project within Burdwan municipality by a letter issued on 31st May, 2019 by the Block Land & Land Reforms Officer, Galshi-II, Burdwan. The petitioner has not been able to continue with mining operation since then. The petitioner submitted a representation before the concerned authority on 16th August, 2021 ventilating his grievance which is yet to be considered. The petitioner prays for a direction upon the authority to consider his representation at the earliest.

Placing reliance on the letter issued by the Additional District Magistrate and District Land & Land Reforms

Officer, Purba Burdwan to the Joint Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs on 16th June, 2022, it is submitted on behalf of the State respondents that there is no provision for grant of compensation in case of grant of long term mining lease. Learned counsel submits that the concerned authority being the 5th respondent be directed to consider the representation submitted by the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 16th August, 2021 within one month 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 thereof.

With the aforesaid directions, WPA 23975 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.)