

28.03.2022  
rc/ct.no.10  
Item No.06

**WPA No. 25549 of 2014**  
**Dinabandhu Das Bairagya**  
**Vs.**  
**The State of West Bengal & Ors.**

Mrs. Pampa De (Dhabal) ...for the Petitioner

Mr. Chandi Charan De  
Mr. Somnath Mukherjee ...for the State

Affidavit-in-reply filed by the petitioner against the report filed by the State-respondents is taken on record.

The petitioner complains that despite grant of mining lease in favour of the petitioner on May 29, 2014 and possession order issued on July 24, 2014, the authorities did not issue the transit challan in favour of the petitioner till date for which the petitioner has been prevented from commencement of mining operations in the plot in question. Several representations submitted by the petitioner fell on deaf ears. By an order dated September 16, 2014 this Court directed the concerned respondents to issue transit challan on the basis of the lease deed executed in favour of the petitioner but such order was not complied with. The petitioner seeks liberty to submit a comprehensive representation before the authority in this regard and prays for a direction upon the authority to consider the said representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that in compliance with

the order of the Court passed on September 16, 2014 the transit pass was issued in favour of the petitioner on September 29, 2014. The said transit pass was fully utilised by the petitioner but the royalty, cess and other dues were not cleared till date for which demand notices were issued to the petitioner on January 19, 2018 and September 03, 2019 which were not responded to by the petitioner.

The petitioner, in reply, submits that there is nothing to show that such transit challan was issued in his favour or such demand notices were received by the petitioner.

In view of the submission made on behalf of the parties, the writ petition is disposed of granting liberty to the petitioner to file a comprehensive representation before the 3<sup>rd</sup> respondent annexing all relevant documents within a period of fortnight from date. The 3<sup>rd</sup> respondent shall consider and dispose of the said representation within a period of one month from the date of receipt thereof 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 period of one week thereafter.

With the above observations and directions this writ petition being WPA No. 25549 of 2014 is disposed of.

There shall be, however, 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)**