

12.07.2023
rc/ct.no.10
Item No.19

WPA No. 738 of 2023
Anup Kumar Samanta & Anr.
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Maity ...for the petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

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

On the prayer of the petitioners liberty is granted to implead the Additional District Magistrate and District Land Reforms Officer, Purba Medinipur as respondent no. 4 in this writ petition.

The cause title of this writ petition be amended accordingly.

The petitioners contend that they have been running a business in the name and style of Ashar Pradip Brick Field in their own land and have no privity of contract with the respondents despite which the respondents, by a notice issued on January 03, 2023, demanded royalty and cess from the petitioners for production of bricks and extraction of earth.

Learned counsel for the petitioners submits that in absence of privity of contract between the parties, the respondents are not entitled to claim royalty and cess in

respect of extraction of earth and production of brick in the petitioners' private land. The petitioners seek to submit a comprehensive representation in this regard before the concerned authority and pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 4th respondent ventilating their grievance within a fortnight from date. The 4th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof after affording reasonable opportunity of hearing to all the stakeholders including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

With the above observations and directions this writ petition 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)