

WPA 1264 of 2023

Maa Bagalamukhi Brick Industries & Company
Vs.
The State of W. B. & Ors.

Mr. Dilip Kr. Maity ...for the petitioner.

Mr. Santanu Kr. Mitra
Ms. Rama Halдар ...for the State.

Affidavit of service and supplementary affidavit submitted on behalf of the petitioner are taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that he is running business in the name and style of “Maa Bagalamukhi Brick Industries & Company”, “Brand- Sathi Brick” in his raiyati land and has no privity of contract with the respondents despite which the respondents have demanded royalty and cess from the petitioner for running the brick field by notice issued on 19th February, 2020.

Learned counsel for the petitioner submits that since there is no privity of contract between the parties, the respondents are not entitled to demand royalty and cess in respect of the plot in question which is the raiyati land of the petitioner.

In reply to a notice issued by the respondents for payment of royalty, the petitioner sought a month’s time as appears from a notice issued by the authority on 19th February, 2020.

The petitioner seeks to submit a comprehensive representation in this regard before the concerned authority and prays for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 3rd 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 with liberty to the petitioner to submit a comprehensive representation before the concerned authority, being the 3rd respondent herein, within a fortnight from date. The 3rd respondent is directed to consider and dispose of the representation within a period of six weeks from the date of receipt thereof after granting 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 above observations and directions the writ petition being WPA 1264 of 2023 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.)