

May 17, 2023
(23) ARDR

WPA 5572 of 2023

Subrata De
Vs.
The State of West Bengal & ors.

Adv. A. Majumder,
Adv. Joy Chakraborty,
Adv. Sandip Dinda,
Adv. Ipsita Ghosh,

...for the petitioner.

Adv. Sanjay Saha,
Adv. S. Bhattacharya,

...for the WBMDTCL.

Adv. Ashim Kumar Ganguly,
Adv. Bella Shaikh,

...for the State.

Heard learned counsels for the parties.

The petitioner was granted long term mining lease for a period of five years vide deed of lease dated 28th March, 2018 which expired on 27th March, 2023. The petitioner was unable to commence mining operation due to resistance offered by local people which was informed to the authority. A joint raid programme was held by the concerned authority on 13th December, 2018 and in a letter issued by the Block Land & Land Reforms Officer, Mangolkote, Paschim Bardhaman on 14th December, 2018 to the Inspector-in-Charge, Bolpur, Birbhum it was stated that the local people were extracting sand regularly from the sand block in question and were threatening the employees of the lessee/petitioner and forcibly extracting sand from the leasehold area. The petitioner was unable to commence/carry on mining operation also due to advent to

the covid-19 pandemic. The petitioner submitted a representation before the concerned authority on 15th February, 2023 requesting extension of the lease period, which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents has not been able to produce any document to indicate that necessary steps were taken by the State respondents/lessors against illegal mining operation undertaken by the local people in order to enable the petitioner to commence mining operation in the leasehold plot.

Since the representation of the petitioner is pending consideration by the authority, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation dated 15th February, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and in the light of the observation made in this order, in accordance with law.

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

Pending disposal of the representation, no coercive steps be taken by the concerned authority against the petitioner in respect of the plot in question.

With the aforesaid directions, WPA 5572 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)