

**WPA 6668 of 2023**

**Joydeep Chakraborty**  
Vs.  
**The State of W.B. & Ors.**

Mir Anowar                   ...for the petitioner.

Mr. Sanjay Saha  
Mr. Subhasis Bhattacharya   ...for WBMDTCL.

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

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

Heard learned counsels for the parties.

Being the highest bidder in the e-auction floated by the authority and upon fulfilling all requisite formalities, the petitioner was granted long term mining lease for a period of five years vide deed of lease dated 15<sup>th</sup> December, 2017 which expired on 14<sup>th</sup> December, 2022.

The Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur issued a notice upon the petitioner on 8<sup>th</sup> September, 2021 directing deposit of Rs.10,21,500/- as penal price for 4,50,000 cft of stacked sand and Rs.1,00,000/- for unauthorised storage of sand. The said amount was paid by the petitioner vide challan dated 9<sup>th</sup> September, 2021.

By a letter issued to the Block Land and Land Reforms Officer, Sadar, Paschim Medinipur on 10<sup>th</sup>

September, 2021, the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur requested issuance of carrying order of 6,10,000 cft of old stock of sand in favour of the petitioner.

Further penalty of Rs.20,10,000 was slapped upon the petitioner by the authority on 14<sup>th</sup> January, 2022 for illegal extraction of sand, which was paid by the petitioner on 18<sup>th</sup> January, 2022.

It is submitted on behalf of the petitioner that out of the total quantity of 10,60,000 cft, 1,40,000 cft has been sold out by the petitioner and remaining 9,20,000 cft is due to be sold.

The petitioner submitted a representation before the concerned authority on 18<sup>th</sup> January, 2022, for issuance of carrying order in order to enable the petitioner to sell out the remaining portion of the excavated sand, which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 4<sup>th</sup> 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 4<sup>th</sup> respondent to consider and dispose of the representation submitted by the petitioner dated 18<sup>th</sup> January, 2022 within 15 days from the date of communication of this order upon granting reasonable

opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition being WPA 6668 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.)**