

March 28, 2023
(18) ARDR

WPA 7233 of 2023

Malay Kanti Gupta
Vs.
The State of West Bengal & Ors.

Adv. Joy Chakraborty,
Adv. Sandip Dinda,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease vide deed of lease executed and registered on 20th December, 2018 and 4th January, 2019 respectively and possession of the plot in question was handed over to the petitioner on 14th October, 2019. A show cause notice was issued upon the petitioner on 16th January, 2023 by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Burdwan alleging that upon joint raid conducted at other blocks namely Purucha and Bilsonda it was found that thirty vehicles were making preparation for transporting sand and some of the vehicles were loaded with sand. Challans in respect of the vehicles were issued from the authorised sand block of the petitioner on that date though the two other sand blocks were not allotted to the petitioner. The petitioner was directed to show cause as to why strict penal

action would not be taken against him for illegal mining of sand as well as illegal transportation of the same. The petitioner replied to the said notice on 21st February, 2023 following which he submitted a further representation on 27th February, 2023 requesting issuance of challans in his favour which were withheld by the authority. The said representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation and issue challans in his favour for the remaining period of the present financial year.

It is submitted on behalf of the State 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 directing the 4th respondent to consider and dispose of the representation dated 27th February, 2023 within three weeks from the date of communication of this order upon affording 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 with a week thereof.

With the above directions, WPA 7233 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.)