

133 (ML)
05.01.2023
Ct. No.10
b.das

WPA 7884 of 2022

Abhijit Sannigrahi
Vs.
The Government of West Bengal & Ors.

Mr. Sayantan Bose
Mr. Sarbojit Mukherjee ...for the petitioner.

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

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

Heard learned counsels for the parties.

Being successful bidder in the e-auction floated by the respondent authorities, the petitioner was granted lease for extraction of sand for a period of five years vide deed dated 25th January, 2019. Though the petitioner was entitled to extract a minimum of 2350 cubic metres or 82989 cubic feet of sand from the leasehold area per annum in terms of Clause 3(b) of Part VII of the deed of lease, it was found that the block in question was filled with soil and water and there is no sand to be excavated therefrom.

Several representations submitted by the petitioner for allotment of alternative block fell on deaf ears. The petitioner seeks to submit a comprehensive representation enclosing two-fold requests :- for allotment of alternative

block as well as for extension of the deed of lease which is due to expire on 24th January, 2024 and prays for direction upon the authority to consider the representation at the earliest.

Learned counsel for the petitioner submits that similarly circumstanced lessees have been granted alternative blocks by the authority in 2021 and the petitioner has not been favoured with such order.

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 ventilating the entire facts before the 3rd respondent within one week from date. The 3rd respondent is directed to consider and dispose of the representation within a period of one month from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested parties 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 this writ petition being WPA 7884 of 2022 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.)