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jdt.

28.07.2023
jb.

W.P.A. 9825 of 2023
(Sekh Nijamuddin vs. State of West Bengal & Ors.)

Mr. M. A. Samad
.... **For the Petitioner**
Mr. Santanu Mitra
Mrs. Rana Halder
.... **For the State**

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

Instruction submitted on behalf of the respondents is taken on record.

It is contended on behalf of the petitioner that the petitioner is running a brick kiln in the name and style of 'Asha Bricks Industries' in the plots in question upon payment of land revenue and his trade licence is renewed from time to time. The petitioner was unable to operate the brick kiln in the year 2017-2018 due to labour crisis and dearth of brick earth and notified the same to the Block Land and Land Reforms Officer as well as to the Sub-Divisional Land and Land Reforms Officer. The operation of the brick kiln was resumed for the subsequent period from 2018-2019, 2019-2020, 2020-2021 and 2021-2022. The petitioner was not allowed to deposit royalty for the subsequent period without depositing the royalty for the period 2017-2018 when the brick kiln was not in operation. The petitioner deposited an amount of Rs.1,50,000/- in respect to the demand notice issued by the authority. The assessment of royalty made by the DL & LRO also differs from that of the

BL & LRO. The petitioner received a notice from the office of the DL & LRO on 3rd March, 2023 directing payment of total sum of Rs. 19,91,948/- up to 2021-2022 without allowing exemption for the period 2017-2018 which is contradictory to the royalty chart prepared by the SDL& LRO. The petitioner submitted a representation before the concerned authority on 11th April, 2023 requesting exemption of Rs.4,41,548/- assessed for the period 2017-2018 and allowing him to deposit fresh assessed outstanding royalty for the subsequent period. The said representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that some exemption has been granted to the petitioner upon considering his representation.

There is nothing on record to suggest that an opportunity of hearing was given to the petitioner prior to considering the representation.

In view of the above, this Court is inclined to hold that since the representation submitted by the petitioner is yet to be considered by the authority upon hearing the petitioner, the concerned authority being the 2nd respondent herein be directed to consider and dispose of the same within six 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 petitioners within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to deal with the representation submitted by the petitioner without being influenced by any observation which may have been made in this order.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)