

WPA 10274 of 2023

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Ms. Santi Das
.....for the petitioner

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

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to permit the petitioner to carry on business of mining sand minerals in the plot no. 2251(P) (Hal 3199, 3200) & Ors., Mouza Krishnadebpur, J.L. No. 91, P.S. – Kalna, District Purba Bardhaman on river covering area 4.73 acres for further period of two years from the date as per the terms and conditions stipulated in the lease agreement executed.

Learned senior counsel representing the petitioner submits as follows. The petitioner was granted a lease for sand mining for a period of 5 years. However, due to the onset of Covid-19 pandemic his client was unable to use of mining lease to its fullest. For about 18 months there could be no activity at the place. Accordingly, the petitioner prayed for renewal for mining lease about a year ago. However, the same

has not been considered yet. The lease is to come to an end on 8th May, 2023.

Learned counsel representing the State submits that if a representation is still pending, the same may be considered by the respondent authorities, especially the respondent no. 4.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the petitioner had prayed for extension of the period of mining lease on the ground that lease could not be utilized to its fullest due to the onset of Covid-19 pandemic. The representation has not been considered yet by the respondent authorities.

In view of the above and in the interest of justice, I direct the respondent no. 4 to consider the petitioner's representation for extension of the lease period for sand mining within a fortnight from the communication of this order and to intimate such order to the petitioner within a week therefrom.

However, till the issue is decided by the respondent authorities, they shall not create any third party interest in respect of the particular sand block.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)