

19.05.2023
rc/ct.no.10
Item No.20

WPA No. 11551 of 2023
Mintu Das
Versus
The State of West Bengal & Ors.

Mrs. Jayita Dhar (Chakraborty) ...for the petitioner

Mr. Sanjay Saha
Mr. Subhasish Bhattacharya
...for the respondent no.5

Mr. Priyabrata Batabyal ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Priyabrata Batabyal, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. Batabyal in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. Batabyal in course of this day.

Heard learned counsels appearing on behalf of the parties.

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease by virtue of

a deed of lease dated February 28, 2018 which expired on February 28, 2023. The petitioner was unable to carry on mining operation due to resistance offered by miscreants for which several complaints were lodged by the petitioner. The petitioner has also filed a writ petition alleging police inaction. The petitioner filed a representation before the concerned authority on February 24, 2023 for extension of the period of lease which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the respondent no. 5 that the petitioner was initially granted short term mining licence in respect of the same block and chose to participate in the e-auction for grant of long term mining lease despite being aware that he would not be able to commence mining operation in the said block.

Be that as it may, since the representation submitted by the petitioner is pending consideration by the authority, the writ petition is disposed of directing the concerned authority being 3rd and 4th respondents to consider and dispose of the representation submitted by the petitioner on February 24, 2023 within a period of one month from the date of communication of this order, after giving 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 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)