

19.06.2023
rc/ct.no.10
Item No.25

WPA No. 11711 of 2023
Ambey Niwas Private Limited
Versus
The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury...for the petitioner

Mr. Chandi Charan De

Mr. Anirban Sarkar

...for the State

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

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on February 10, 2023 in WPA No. 24683 of 2022 directing the District Land and Land Reforms Officer, Bankura to consider and dispose of the replies submitted by the petitioner to the show cause notice issued upon him on March 07, 2020 within one month from the date of communication of the order, the District Land and Land Reforms Officer, Bankura by an order passed on March 20, 2023 recorded that since the District Magistrate, Bankura issued an order of suspension on March 07, 2020 based on a report of the Superintendent of Police, Bankura as well the power conferred upon her by the existing rules and regulations, the District Land and Land Reforms Officer, Bankura was not in a position to consider the replies submitted by the petitioner.

It is submitted on behalf of the State respondents that the matter be referred to the District Magistrate, Bankura for consideration in accordance with law.

In view of the above, this Court is inclined to hold that since the District Magistrate, Bankura is the competent authority to deal with the replies submitted by the petitioner, the District Magistrate, Bankura, being the 2nd respondent herein, is directed to consider and dispose of the replies submitted by the petitioner and take a reasoned decision on the show cause notice issued on March 07, 2020. The said authority is further directed to consider the application for extension of the tenure of the mining lease submitted by the petitioner on March 18, 2023. The applications are directed to be considered and disposed of within one month from the date of communication of this order upon affording 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 thereof.

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)