

06.06.2023
rc/ct.no.10
Item No.26

WPA No. 12344 of 2023
Susanta Ghosh
Versus
The State of West Bengal & Ors.

Mr. Samiran Mandal	
Mr. Abhinaba Dan	...for the petitioner
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.

The petitioner was granted long term mining lease for excavation of sand vide a deed of lease executed on November 08, 2016 for a period of 5 years. The petitioner was unable to continue with the excavation due to covid-19 pandemic and resistance offered at the instance of

Brisinghapur Nirgin Saha Baba Majar Committee. The petitioner submitted an application for extension of the lease period before the concerned authority on November 24, 2021 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 on behalf of the State-respondents that the 4th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the application submitted by the petitioner on November 24, 2021 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 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)

