

06.06.2023
rc/ct.no.10
Item No.27

WPA No. 12354 of 2023
Sri Mahesh Saraf
Versus
The State of West Bengal & Ors.

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

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State

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

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 22, 2016 for a period of 5 years. The petitioner was unable to carry on the mining operation due to construction of a bridge near the leasehold area for which the petitioner was directed to stop excavation of sand from the allotted sand block by the respondent authorities on the assurance of allotting alternative sand block. The petitioner submitted several representations (annexures P3 and P4 to the writ petition) before the concerned authority in this regard which have not been considered as yet.

The petitioner prays for a direction upon the authority to consider the representations at the earliest.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to consider the representations (annexures P3 and P4 to the writ petition) 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 representations (annexures P3 and P4 to the writ petition) submitted by the petitioner 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)