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jdt.

26.06.2023
jb.

W.P.A. 12674 of 2023
(Utpalendu Baksi vs. State of West Bengal & Ors.)

Ms. Dipika Banu
.... For the Petitioner
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

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

The petitioner was granted long-term mining lease for a period of five years by virtue of deed of lease executed on 15th May, 2019. A notice was issued upon the petitioner by the respondent authority alleging illegal sand mining activities in the block allotted to the petitioner and mining activities in the said block was suspended until further orders. The petitioner deposited the penalty determined by the concerned authority on 20th October, 2022 despite which the suspension was not withdrawn by the authority. The order of suspension issued on 7th March, 2022 is assailed in the writ petition.

It is submitted on behalf of the petitioner that during pendency of the writ petition, the order of suspension has been withdrawn by the authority by a letter dated 29th May, 2023. The petitioner seeks to

submit a comprehensive representation before the concerned authority requesting extension of the period of lease for the period he was unable to carry on mining operation. Learned counsel submits that the petitioner was prevented from carrying on mining operation due to no fault on his part.

Learned counsel for the respondents submits that the 6th respondent be directed to consider the representation submitted by the petitioner in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 6th respondent ventilating his grievance within two weeks from date. The 6th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof 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.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)