

December 6, 2023
ARDR (488)

WPA 16343 of 2022

Md. Ajim Khan
Vs.
The State of West Bengal & Ors.

Adv. Pallav Chatterjee,
Adv. Monajit Chakraborti,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

On prayer of the petitioner, the name of 3rd respondent be expunged from the cause title of the writ petition.

The cause title of the writ petition be amended accordingly.

The order passed by the Assistant Secretary, Department of Industries, Commerce and Enterprises, being the 2nd respondent herein, on 20th May, 2022 is assailed in the writ petition.

Pursuant to an earlier order of this Court dated 14th March, 2022 in WPA 1324 of 2022 directing the authority to consider and dispose of the representation submitted by the petitioner dated 3rd July, 2021 upon taking into consideration Rule 61 of the West Bengal Minor Minerals Rules, 2016 and Rule 34 of the West Bengal Sand (Mining, Transport, Storage and Sale) Rules, 2021 within a stipulated time frame, the concerned authority called for several documents from the petitioner which were submitted by the petitioner

before the authority on 13th May, 2022. By the order impugned, the 2nd respondent has turned down the representation submitted by the petitioner primarily on the ground that the petitioner submitted only three of the documents called for and failed to submit the remaining three documents.

It appears from the receipt issued by the department upon submission of the documents by the petitioner on 13th May, 2022 that all documents called for by the authority were submitted by the petitioner on the said date. The concerned authority may have overlooked the said fact in dealing with the representation. Since the order impugned wrongly records that the documents required to be produced by the petitioner were not submitted within the stipulated period, the order is required to be set aside and the matter sent for reconsideration by the authority in accordance with law.

In view of the above, the order passed by the 2nd respondent on 20th May, 2022 is set aside.

The writ petition is disposed of directing the 2nd respondent to reconsider the representation submitted by the petitioner on 3rd July, 2021 upon affording reasonable opportunity of hearing to all concerned including the petitioner and in the light of the observation made by this Court in the order dated 14th March, 2022 in WPA 1324 of 2022 within two months

from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observation and direction, the writ petition is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)