

WPA 16341 of 2019

M/s. Ghosh Construction
Vs.
The State of West Bengal & Ors.

Adv. Sankha Subhra Roy,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Srilekha Bhattacharya,
...for the State.

Heard learned counsels for the parties.

The order issued by the District Magistrate, Purba Burdwan on 6th February, 2019 cancelling the lease granted to the petitioner and forfeiting the bid money is assailed in the writ petition.

The petitioner was granted long term mining lease for a period of five years vide deed of lease executed on 25th September, 2017. Though possession of the land in question was made over to the petitioner, the petitioner was unable to carry on extraction of sand due to dispute regarding demarcation of the land. Notice was issued upon the petitioner by the District Land & Land Reforms Officer on 9th October, 2018 requesting submission of the second installment in respect of the lease deed. In reply, the petitioner made a representation before the Additional District Magistrate, Burdwan requesting demarcation of the plot in order to enable him to extract sand therefrom. By the order impugned passed on 6th February, 2019, the District Magistrate, Purba Burdwan cancelled the lease

granted to the petitioner and forfeited the bid money deposited by him.

The petitioner seeks to submit a comprehensive representation before the concerned authority in terms of the prayer of the writ petition and 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 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition being WPA 16341 of 2019 is disposed of with liberty to the petitioner to submit a comprehensive representation before the 3rd respondent within two weeks from date. The 3rd 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 interested persons including the petitioner, in accordance with law.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)