

WPA 21596 of 2022

Sakti Raut
Vs.
The State of West Bengal & Ors.

Adv. Shraman Sarkar,
Adv. Asif Sohail Tarafdar,
...for the petitioner.
Adv. Sanjay Saha,
...for the respondent no. 9.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease vide deed of lease executed on 28th March, 2017 which expired on 27th March, 2022. Though possession of the block in question was made over to the petitioner on 14th July, 2017, the petitioner was unable to continue with mining operation for considerable period of time due to covid-19 pandemic and has prayed for extension of the period of lease before the concerned authority.

Learned counsel for the petitioner has taken this Court to clause 5 part IX of the deed of lease which demonstrates that if through force majeure the fulfillment by the lessee of any of the terms and conditions of this lease be delayed, the period of such delay shall be added to the period fixed by the lease.

The petitioner submitted representation before the concerned authority in this regard on 14th January, 2022 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 respondent no.9 that by virtue of the notification issued by the department of Industries, Commerce and Enterprises, Mines Branch on 28th February, 2022 extending the period of sand mining leases expiring till April, 2022 up to 31st May, 2022, the petitioner has already enjoyed an enhanced period of mining.

Be that as it may, since the representation submitted by the petitioner before the concerned authority is pending, the authority be directed to consider the same within a stipulated time frame.

Accordingly, the writ petition being WPA 21596 of 2022 is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner dated 14th January, 2022 within a period of one month from the date of communication of this order 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.)