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10.02.2023
jb.

W.P.A. 24683 of 2022
(Ambey Niwas Private Limited. vs. State of West Bengal & Ors.)

Mr. Somnath Roy Chowdhury
.... For the Petitioner

Mr. Chandi Charan De
Mr. Haripada Maity
.... For the State

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease upon depositing the entire bid amount together with interest thereon vide deed registered on 6th February, 2018. Even before possession of the leasehold property was made over to the petitioner, a show cause notice was issued upon the petitioner on 26th February, 2019 alleging illegal mining in the leasehold plot. The petitioner submitted a reply to the said notice on 28th February, 2019 which was considered by the authority and vide an order passed on 26th September, 2019, the petitioner was allowed to carry on normal sand mining activities subject to compliance of existing guidelines, norms and procedures. A further show cause notice was issued upon the petitioner by the authority on 7th March, 2020 which was replied to by the petitioner on

13th March, 2020. The petitioner also submitted a reply to the purported allegation brought against it in the interdepartmental correspondences made between the Superintendent of Police, Bankura and the Sub Divisional Police Officer, Bankura dated 25th February, 2020, on 21st November, 2021. Learned counsel for the petitioner submits that the replies submitted by the petitioner have not been considered by the authority till date. The petitioner prays for a direction upon the authority to consider the said replies and further consider granting extension of period of lease in favour of the petitioner since the petitioner was not able to carry on mining operation for a considerable period of time.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the replies submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the replies submitted by the petitioner dated 3rd March, 2020 and 20th November, 2021 and take a decision on the show cause notice issued on 7th March, 2020 within 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.

On prayer of the petitioner liberty is granted to the petitioner to submit a further application before the concerned authority seeking extension of the period of lease. The said application, if submitted, shall be decided by the authority on merits along with other applications.

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.)