

WPA 26523 of 2023

Suman Basu
Vs.
The State of W.B. & Ors.

Mr. Syed Shamsul Arefin ...for the petitioner.

Mr. Chandi Charan De
Ms. Resma Chatterjee ...for the State.

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

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner was granted long term mining lease in respect of the plot in question vide deed of lease executed on August 10, 2011 for a period of five years. Though the leasehold property comprised 9.17 acres of land, the petitioner was able to excavate only 3.00 as and remaining 6.1 acres of land was within 200 meters of the river embankment and therefore could not be utilized.

The petitioner submitted a representation before the concerned authority on 2nd August, 2016 requesting extension of the lease for a period of 24 months. The representation is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

In denying and disputing the contention of the petitioner, learned counsel for the respondents submits

that the 3rd respondent be directed to consider the representation 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 representation submitted by the petitioner dated 2nd August, 2016 within one month from the date of communication of this order 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.

With the above observations and directions the writ petition is disposed of.

There shall, however, 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.)