

25.01.2023
rc/ct.no.10
Item No.SL-01

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

WPA No. 186 of 2023

Mr. Bhagbat Chaudhuri	
Ms. Mousumi Arji	...for the petitioner
Mr. Chandi Charan De	
Mrs. Reshmi Rahaman	...for the State
Mr. Sanjoy Saha	
Mr. S. Bhattacharya	...for the respondent no. 6

Heard learned counsels appearing on behalf of the parties.

The petitioner was granted long term mining lease for a period of 5 years vide a deed of lease executed and registered on 22nd December, 2017 which expired on 21st December, 2022. The petitioner was unable to carry on mining operation for a considerable period of time due to covid 19 pandemic and submitted a representation before the concerned authority on 1st November, 2022 for extension of the period of lease. In dealing with the said application the Additional District Magistrate and Additional District Land and Land Reforms Officer, Cooch Behar, vide letter issued on 22nd December, 2022, requested the petitioner to apply before the competent authority for such relief since the Additional District

Magistrate and Additional District Land and Land Reforms Officer had no scope to extend the period of lease.

It is submitted on behalf of the respondents that the District Magistrate, Cooch Behar being the 2nd respondent herein, be directed to consider the representation submitted by the petitioner.

The petitioner seeks liberty to submit a comprehensive representation before the said authority and prays for a direction upon the authority to consider the same at the earliest.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 2nd respondent ventilating his grievance within seven days from date.

The 2nd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of hearing to all 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.

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

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)