

04.11.2024

Item No. 38

Crt.No.02

b.r.

WPA 3787 of 2024

Mithun Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Haradhan Mondal

.... For the petitioner.

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

.... For the State.

Mr. Haradhan Mondal, learned advocate appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents.

The mining lease was executed in favour of the petitioner for excavation of sand block on **January 28, 2019** for a period of **five years**. The lease expired in **January, 2024**.

Referring to the application dated **December 21, 2023, annexure p-4 at page-44** to the writ petition, learned advocate for the petitioner submits that the petitioner has already applied for extension of the lease principally on the ground that during the COVID regime the petitioner could not carry out the lease work.

Considering the above, the **respondent no.3** upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the application of the petitioner dated **December 21, 2023** as referred to above by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the application of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no.3.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to its case for renewal strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 3787 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)