

May 21, 2024
ARDR (34)

WPA 9287 of 2022

Ambey Niwas Private Limited
Vs.
The State of West Bengal & ors.

Adv. Somnath Roy Chowdhury,
...for the petitioner.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Since none appears for the respondents despite service of notice, Mr. Chandi Charan De, advocate, who usually appears for the State and is present in Court today, is requested to represent the State along with his junior Mr. Anirban Sarkar, advocate in this matter.

Their appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexure thereto upon Mr. Sarkar, advocate in course of this day.

Heard learned counsels for the parties.

Being the highest bidder in the e-auction floated by the respondents on 27th October, 2016 and upon depositing one-third of the bid amount, Letter of Intent was issued in favour of the petitioner on 23rd December, 2016. Upon inspection of the plot, the petitioner found that there was no mineable reserve therein. The petitioner sought refund of the amount deposited by him which was turned

down by the authority. Subsequently the Revenue Officer, Sainthia conducted a survey of the plot in question and found that there was almost no mineable reserve available therein. Recently due to change of course of the Mayurakshi river, some amount of sand is deposited in the plot in question. The petitioner submitted a representation before the concerned authority on 4th April, 2024 seeking execution of long term mining lease in his favour upon depositing the remaining bid amount and complying with the requisite formalities. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 4th April, 2024 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.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been 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.)