

M/L. 104.
June 12, 2024.
MNS.

WPA No. 11587 of 2022
Matribhumi Developers
Vs.
The State of West Bengal and others

Mr. Pallav Chatterjee
... for the petitioner.

Mr. Sanjay Saha,
Mr. Subhasish Bhattacharya
...for the WBMDTC.

The grievance of the petitioner pertains to refusal of the respondent authorities to grant an extension of the lease for carrying out sand mining activities in an area measuring approximately 6.47 acres situated at Gram Panchayat Gohogram, Mouza-Dakshin Bhasapur, District-Purba Bardhaman.

It is submitted on behalf of the petitioner that originally a lease was granted in favour of one Kalyan Adhikary on 16th March, 2017. Thereafter, the lease had been transferred in favour of the petitioner on 23rd December, 2019. On 2nd January, 2020, the respondent No. 4 suspended all extraction of sand and further prohibited the petitioner from extracting any sand from the subject premises due to a mishap. On 13th May, 2020, the respondent No. 4 issued a reinforcement order and on 25th March, 2021 and 16th February, 2022 repeatedly issued restrictions for carrying out any sand extraction by the petitioner.

The petitioner is primarily aggrieved by the fact that an extension application made on 22nd March, 2022 has not been disposed of till date. The petitioner prays for consideration of their representation.

There is no legal enforceable right, which the petitioner can demonstrate, which warrants or justifies any kind of extension in respect of the subject lease. Admittedly, the lease in favour of the petitioner dated March 16, 2017 expired on 15th June, 2022. Repeated notices have also been issued directing the petitioner to stop any kind of extraction post expiry of the lease. There is no question of extension of such leasehold interest. It is a notorious fact that illegal sand mining activities is a menace and a reality. The question of any extension in favour of the petitioner is neither warranted nor justified. The ground of Covid-19 having intervened during the subsistence of the lease though pleaded in the petition is not pressed during the course of arguments. There are no other grounds which even warrant a case for reconsideration.

In view of the above, WPA No. 11587 of 2022 stands dismissed.

There shall be no order as to costs.

(Ravi Krishan Kapur, J.)