

15.07.2024
Item No.23
Crt.No.02
b.r.

WPA 15336 of 2024

Success Niryat Pvt. Ltd. & Anr.
-vs-
The State of West Bengal & Ors.

Mr. MIR Anwar
Ms. Alisha Gomes
..... for the petitioners.

Mr. Sk. Md. Galib
Mr. Abu Siddique Mallik
.... For the State-Resp. no. 1 to 4.

Mr. Subhasish Bhattacharya
... for the Resp. no.5.

Affidavit of service filed in Court today, is taken on record.

Mr. Mir Anwar, learned advocate, appears for the petitioners.

Mr. Sk. Md. Galib, learned State counsel appears for respondent nos. 1 to 4.

Mr. Subhasish Bhattacharya, learned advocate, appears for the respondent no.5.

The petitioners contend that a mining lease was executed by the State Authority in their favour on **February 7, 2020**. The petitioners were put into possession of the subject land on **February 23, 2023**. The lease shall expire as per the lease deed, on **February 10, 2025**. At present, the petitioners are excavating minerals under the said lease.

Learned counsel appearing for the petitioners submit that since there was an inordinate delay on the part of the State lessor to deliver up possession of the lease-hold land to the petitioners. The petitioners could not carry out its mining work under the lease for such delayed period. The petitioners, therefore, claim extension of lease with all consequential benefits, taking into account the said delayed period of handing over possession of land to the petitioners. The petitioners submitted its representation dated **August 29, 2023, annexure p-6 at page-41** to the writ petition. The same has not yet been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the **respondent no.3** upon issuing a prior hearing notice of at least **seven days** to the petitioners and after granting them an opportunity of hearing shall decide the representation of the petitioners dated **August 29, 2023** as referred to above by passing a reasoned order in accordance with law.

The entire exercise as directed herein 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. The respondent no.3 then shall communicate its reasoned order to the petitioners

within a further period of **two weeks** 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 claim of the petitioners in any manner and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the **respondent no.3** but the same shall not travel beyond the scope of the said representation dated **August 29, 2023**.

In the event, the reasoned decision goes in favour of the petitioners, then the **respondent no.5** and/or any other appropriate Authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned decision in accordance with law but positively within a period of further **eight weeks** from the date of the said reasoned decision to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners, if the petitioner is not eligible to receive his claim **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 15336 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.)