

05
19.11.2024
Ct. No. 11
Jayanta

MAT 1160 of 2024
With
CAN 1 of 2024
Basudeb Bhattacharya
vs.
State of West Bengal & Ors.

Mr. Rabinbdra Nath Mahata (Through VC)
Mr. Aritra Shankar Ray
.....For the Appellant.
Mr. Saikat Chatterjee
.....For the State/Respondents.

The present appeal has been preferred challenging an order dated 15th May, 2024 passed in the writ petition being, WPA 3848 of 2024.

Mr. Mahata, learned advocate appearing for the appellant submitted that though the learned Single Judge directed the competent authority to reconsider the appellant's prayer for grant of mining lease strictly in terms of the observations made by the Hon'ble Appeal Court in its order dated 23rd June, 2022 in FMA 644 of 2015, the respondents were not restrained from blocking the access to the appellant's plots as a result of the e-Auction of the plots surrounding the appellant's plots.

Upon hearing Mr. Mahata, this Court by an order dated 11th July, 2024 directed Mr. Chatterjee, learned advocate appearing for the

respondents to avail necessary instruction as regards the appellant's grievances when the matter last appeared on 11th July, 2024.

Pursuant to such direction, a report of the respondent no. 5 dated 1st August, 2024 was placed before us on 7th November, 2024 by Mr. Chatterjee. A copy of the same was directed to be handed over to Mr. Mahata and the matter was made returnable today.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record and the contents of the report, we are of the opinion that no further interference is called for in the present appeal, since in the report submitted by the respondent no. 5, it has been categorically stated that *'in this context, it is to be stated that the necessary care has already been taken so that the access to the sand block as claimed by the petitioner will not be blocked completely as a result of e-Auction in compliance of FMA No. 644 of 2015'*.

Accordingly, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)