

516

jdt.

04.01.2024

jb.

W.P.A. 20050 of 2023

(Gangarampur Matsyajibi Samabya Samity Ltd. & Anr. vs. State of West Bengal & Ors.)

Mr. Ramakrishna Bhattacharyya

Mr. Kaushik Choudhury

Bushra Khatun

Ms. Kankana Bhattacharya

... For the Petitioners

Mr. Chandi Charan De

Mr. Sadhan Halder

... For the State

Affidavit of service filed on behalf of the petitioners is taken on record.

It is contended on behalf of the petitioners that they were granted lease of the pond in question being Pransagar Digghi upon depositing the requisite rent and possession of the pond was handed over to the petitioners on 13th February, 2020. Immediately thereafter, covid-19 pandemic intervened and the petitioners were unable to carry on pisciculture from 23rd March, 2020. The petitioners submitted an application before the authority seeking exemption of lease rent for the period from 10th February, 2020 to 23rd March, 2020. Also, since the petitioners are not in a position to carry on pisciculture, they sought cancellation of deed of lease. The application went unheeded. The petitioners were served with a demand

notice for realisation of lease rent issued by the Additional District Magistrate and District Land and Land Reforms Officer, Dakshin Dinajpur at Balurghat on 7th July, 2023 turning down their request for waiver of lease rent and directing them to clear the outstanding lease rents till 12th February, 2024. The petitioners seek to file a comprehensive representation before the concerned authority seeking waiver of lease rent as well as cancellation of the deed of lease and pray 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 with liberty to the petitioners to submit a comprehensive representation before the 4th respondent within two weeks from date. The 4th respondent is directed to consider and dispose of the representation within four weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the representation, the demand notice issued on 7th July, 2023 be stayed.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)