

13.11.2024
Ct. No. 2
Sl. No. 25
Moumita/sm

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 25740 of 2024

**Kalomoni Baski and Ors.
Vs
The State of West Bengal & Ors.**

**Mr. Saptangshu Basu
Mr. Lutful Hoque
Mr. Golam Karim Chowdhury
Mr. Soumitra Chatterjee
Ms. Taharima Khatun
.....for the petitioners**

**Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Suchana Banerjee,
Mr. Priyabrata Batabyal
....for the State/respondents**

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

Mr. Saptangshu Basu, learned Senior Counsel appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned Senior Advocate appears for the State/respondents.

A mining lease was executed in favour of the predecessor-in-interest of the petitioners on **June 14, 2018** for a period of five years. The original lessee being the predecessor-in-interest of the petitioners died on **March 10, 2020**. The lease has expired on **June 13, 2023**. After the original lessee expired, the petitioner applied for inclusion of their name as lessees. The names of the petitioners were substituted in place of the original

lessee and the period taken for carrying out this substitution had also been given credit to the petitioners in respect of the period of lease.

After substitution being carried out in the original lease, the petitioners applied for obtaining benefits under the **Force Majeure Clause** in the lease deed and applied for addition of period for continuation of the lease. The petitioner submitted a representation dated **April 16, 2024 Annexure P5 at page 91** to the writ petition, the same has not yet been disposed of.

In view of the above, the respondent no. 5 upon issuing a prior notice of hearing to the petitioners and after granting them an opportunity of hearing shall decide the said representation dated **April 16, 2024 at page 91** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 5 positively within a period of **eight weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioners positively 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 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. 5 but the same shall not travel beyond the scope of the said representation dated **April 16, 2024**.

In the event, the reasoned decision goes in favour of the petitioner then the respondent no. 5 and/or any other appropriate State authority shall give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners, if they do not succeed to their respective claims strictly in accordance with law and within the scope of the agreement.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition **WPA 25740 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)