

13 02.8.2024
Sc Ct. no.2

WPA 25466 OF 2022

Md. Hasibul Hossen

Vs.

The State of West Bengal & Ors.

Mr. Subhendu Roy Choudhury
Ms. Shila Chatterjee.

.....For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy.

.....For the Respondents
State

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

The petitioner was granted lease of a piece of land for excavation of sand block on **November 14, 2017**. The currency of lease was for **five years**. The lease expired on **November 13, 2022**.

Ms. Shila Chatterjee, learned advocate appearing for the petitioner submits that a representation dated **November 9, 2022** was submitted, **Annexure-P2 at page 61** to the writ petition claiming renewal of lease. The same has not been considered.

After expiry of the lease, the lessee cannot claim any right arising out of the expired lease neither can claim renewal or extension or a fresh lease after expiry unless stipulations are there. After expiry of lease it is

the discretion of the lessee to grant any extension or fresh lease. Under the gazette notification bearing **no.284-ICE/O/MIN/GEN-MIS/02/2021 dated July 30, 2021** it is provided that, in existing leases the leases shall not be renewed and the land automatically shall be resumed and vested with the State Government upon expiry of such leases. The State Government shall then lease the sand mines to the **West Bengal Mineral Development and Trading Corporation Limited** or any agency recommended by it.

In the light of the above, the respondent no.3 shall dispose of the representation of the petitioner dated **November 9, 2022** with reasons and shall communicate the same to the petitioner.

The entire exercise as directed above, 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.

With the above observations and directions, this writ petition, **WPA 25466 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)