

13 18.7.2024
Sc Ct. no.2

WPA 25566 OF 2022

Success Niryat Private Limited

Vs.

The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury

.....For the Petitioner

Mr. Ram Chandra Guchhait

....For the State

Mr. Sanjay Saha

Mr. Subhasish Bhattacharya.

....For the Respondent
No.3

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

Mr. Somnath Roy Chowdhury, learned counsel appears for the petitioner.

Mr. Ram Chandra Guchhait, learned State counsel appears for the respondent nos.1, 2 and 4 to 7.

Mr. Subhasish Bhattacharya, learned counsel appears for the respondent no.3.

The petitioner submits that, a **Mining Lease** was executed in favour of the petitioner on **November 9, 2017**. The petitioner claims that, possession was handed over sometime in **March, 2018**. The petitioner then started mineral excavation from the land. In or about **April, 2018** the petitioner came to know that, underground oil supply lines of Indian Oil Corporation are existing immediately beneath the land, hence the

petitioner could not carry on any further excavation work. The petitioner claims an alternative land with an extension of lease period as the lease term has already expired by efflux of time. The petitioner submitted a representation dated **August 29, 2022, Annexure-P10 at page 132** to the writ petition, *inter alia*, before the respondent no.5, the same has not been considered. The writ petition was filed on or about **November 18, 2022**.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.5 upon issuing a prior hearing notice of at least seven days to the petitioner and any other relevant party/parties it thinks fit and proper, shall grant an opportunity of hearing to them and then dispose of the said representation dated **August 29, 2022**, as referred to above, by passing a reasoned order.

The entire exercise as directed above, shall be carried out and completed by the respondent no.5 positively within a period of **six weeks** from the date of communication of this order. The respondent no.5 then shall communicate the reasoned order to the petitioner and the other parties who shall attend the hearing 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 petitioner in any manner and the petitioner shall be at liberty to urge whatever

points it wishes to urge in support of its claim by relying upon whatever records and documents it wishes to reply upon before the respondent no.5 but the same shall not travel beyond the scope of the said representation dated **August 29, 2022.**

In the event the reasoned order goes in favour of the petitioner, the respondent no.4 and/or any other authority/authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order positively within a period of **four weeks** from the date of communication of the said reasoned order to the respondent no.4.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive its claim strictly in accordance with law.

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 25566 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.)