

18 18.7.2024
Sc Ct. no.2

WPA 25976 OF 2022

Sayed Neajuddin

Vs.

The State of West Bengal & Ors.

Mr. Mir Anowar

.....For the Petitioner

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal.

....For the State

Mr. Sanjay Saha

Mr. Subhasish Bhattacharya.

....For the Respondent
No.5

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

Mr. Mir Anowar, learned counsel appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned State counsel appears for the State respondents.

Mr. Subhasish Bhattacharya, learned counsel appears for the respondent no.5.

The petitioner submits that, a ***Mining Lease*** was granted in favour of the petitioner on ***April 5, 2018*** for a period of ***five years***. The lease expired on ***April 4, 2023***. The petitioner submitted a representation dated ***October 8, 2022*** for continuation of the mining work from the leasehold land, ***Annexure-P10 at page 64*** to the writ petition.

Learned counsel for the petitioner submits that, till then since the representation has not been considered the right of the petitioner has been affected as the lease stands expired without any renewal or extension. Learned counsel for the petitioner also submits that there is a *force majeure* clause in the agreement.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, at the outset, it appears to this Court that, the lease stands expired by efflux of time. Once the lease stands expired, it is the discretion of the lessor whether the lease shall be renewed or extended or a fresh lease can be executed. To invoke and enforce such legal discretion, no writ petition can be filed.

Inasmuch as, if the petitioner claims any compensation from the lessor, again this Constitutional Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot be the appropriate and jurisdictional forum.

For the foregoing reasons and discussions this Court is of the firm view that, this writ petition is without any merit.

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

This writ petition, **WPA 25976 of 2022** stands dismissed, without any order as to costs.

However, this order shall not preclude the petitioner to opt for any other legal remedy if available to the petitioner in law before the appropriate jurisdictional forum.

(Aniruddha Roy, J.)