

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

06.01.2025
Ct. no.2
M/L SL. No. 34
Moumita

WPA 2102 OF 2024

Narayan Chandra Maity

Vs.

The State of West Bengal & Ors.

**Mr. Debasis Das
Mr. Gautam Guria**

.... For the Petitioner

**Mr. Ayan Banerjee
Mr. Debapriya Chatterjee**

....For the State

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

Mr. Gautam Guria, learned advocate led by Mr. Debasis Das, learned advocate appears for the petitioner.

Mr. Ayan Banerjee, learned advocate appears for the state.

The petitioner submits that under an existing permission to extract mining materials from the concerned quarry, the petitioners extracted mining materials and stacked on a particular plot of land. The petitioner submits that due to some obstructions created by the local people materials could not be removed. At present when the petitioner intends to remove those mining materials, the state authority objects as the

necessary permission is not bare in favour of the petitioner for removing the mining articles.

Mr. Ayan Banerjee, learned state counsel submits on instruction that the permission for excavation of mining materials in favour of the petitioner has expired about 8 to 9 years back.

The petitioner today prays for a direction so that their representation dated **December 5, 2023 annexure P-5 at page 24** to the writ petition can be considered by the appropriate authority.

In view of the above, the respondent no. 3 upon issuing a prior hearing notice of at least seven days to the petitioner and after affording him an opportunity of hearing shall dispose of the said representation dated December 5, 2023, as referred to above, by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by respondent no. 3 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a 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 rival contentions of the parties and the parties 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. 3.

In the event, the reasoned order goes against the petitioner then the appropriate authority shall be at liberty to take all necessary steps against the petitioner including the initiations of proceedings both civil and criminal forthwith.

In the event, the reasoned order goes in favour of the petitioner, authority shall take steps accordingly in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if he does not succeed to his respective claims before the respondent no. 3 strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 2102 of 2024** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)