

M/L- 18
08/06/2026
Ct. No.-19
Aritra

WPA 10002 of 2026

Radha Bhattad

Vs.

The State of West Bengal & Ors.

Mr. Dinabandhu Chowdhury
Mr. Amal Kumar Saha
Mr. Iresh Paul

....for the petitioner

Mr. Sanjay Saha
Mr. Raju Mondal

....for the respondent nos.5 & 6

Mr. Nilanjan Bhattacharyya, S.S.C.,
Mr. Brijendra Pratap Singh

....for the State

In spite of service none appears for the State.

Mr. Bhattacharyya, learned Senior Standing Counsel, who usually represents the State is present in Court and is requested to appear in this matter.

Let the appointment of Mr. Bhattacharyya along with a junior of his choice be regularised by the concerned authority.

A copy of the writ petitioner has been served upon Mr. Bhattacharyya in course of hearing of this writ petition.

The petitioner claims that a long term mining lease for extraction of sand in respect of a sand block was granted in favour of the petitioner and the lease deed was executed on March 28, 2017 for a period of 5 years. The said lease deed stood expired by efflux of time on March 28, 2022.

The petitioner alleges that the extraction activities could not be carried out for a substantial period of time during the said lease period on account of Lock Down imposed due to onset of COVID-19 pandemic and as well as restrictions imposed by the administration from time to time.

The petitioner submitted a representation dated February 22, 2022 before the Additional District Magistrate & District Land Reforms Officer, Burdwan, requesting such authority to grant extension of the lease period.

Mr. Chowdhury, learned advocate appearing for the petitioner places reliance upon the Force Majeure Clause appearing in Part-IX under Clause 5 of the lease deed in support of his contention that the reasons for which the petitioner could not carry out the extraction activities would fall within the Force Majeure Clause. Mr. Chowdhury further places reliance upon a judgment of a Co-ordinate Bench dated December 4, 2023 in WPA 9583 of 2023 in the case of *Radharaman Constructions and Marketing Private Limited & Anr. vs. The State of West Bengal & Ors.* in support of his contention that under similar circumstances the Co-ordinate Bench directed extension of the lease period. By placing reliance upon an order passed by the authority dated January 22, 2024, Mr. Chowdhury would contend that the authorities have accepted the order passed by the Co-ordinate Bench.

Mr. Saha, learned advocate appearing for the respondent nos.5 and 6 submits that the Hon'ble Division Bench in the case of *Dilip Mondal vs. State of West Bengal & Ors.* in MAT No.1304 of 2025 clarified that the Force Majeure Clause shall not be applicable under such circumstances. He further submits that a Special Leave Petition No.16124 of 2026 preferred by the appellant in the said Mandamus Appeal stood dismissed by the Hon'ble Supreme Court by an order dated April 2, 2026.

Mr. Bhattacharyya, learned Senior Standing Counsel submits that the petitioner has submitted a representation before the authorities and no decision on such representation appears to have been communicated to the petitioner till date. He further submits that since the issue is pending before the authority, such authority should be directed to take a decision on the issue raised before such authority.

Since the petitioner has submitted a representation highlighting certain issues and no decision on such representation has been taken as yet, this Court feels that the interest of justice would be sub-served if the concerned authority is directed to communicate their decision on the petitioner's representation within a specified time frame.

Without entering into the merits of the claim made by the petitioner in the representation dated February 22, 2022, WPA 10002 of 2026 stands disposed of by directing the Additional District Magistrate and District Land and Land Reforms Officer, Purba Bardhaman, being the

respondent no.4 to consider the representation of the petitioner dated February 22, 2022 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner or his authorised representative.

It will be open to the petitioner to place reliance upon any orders passed by the Court as well as any Government Order/Circulars in support of their claim for extension of the lease and the authorities shall consider such decisions, Government Orders, Notifications, etc. while passing the said reasoned order. The entire exercise shall be completed as expeditiously as possible but positively within a period of 4 weeks from the date of receipt of a server copy of this order along with a copy of the representation dated February 22, 2022.

It is, however, made clear that this Court has not gone into the merits of the claim made by the petitioner in the said representation and all points are left open to be decided by such authority in accordance with law.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)