

Form J(2)

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri**

**WPA No. 24087 of 2023**

**Surendra Kumar Kochar  
Vs.  
The State of West Bengal & Ors.**

**For the Petitioners : Mr. Subhabrata Dutta,  
Mr. Subhojit Seal,  
Mr. Quazi Sabir Ahmed**

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**For the State : Mr. Mr. Soumitra Bandyopadhyay,  
Mr. Srinath Singha Roy**

**Judgement on : 13.10.2023.**

**Bibek Chaudhuri, J.**

The petitioner was granted mining lease for excavation of sand in sand block no. BIR/SURI-I/Khatangadihi/129/2016 located in Plot No. 001(P) in Mouza – Khatangadihi, J.L. No. 203 under Suri Police Station over an area measuring about 11.6 acres for a period of five years commencing from 15<sup>th</sup> June, 2018 to 14<sup>th</sup> June, 2023. It is the case of the petitioner that during covid – 19 pandemic the petitioner was prevented from excavating sand. It is already declared by an office memorandum issued by the Ministry of Finance, Government of India dated 19<sup>th</sup> February, 2020 and 13<sup>th</sup> May, 2020 that stoppage of work due to Covid – 19 pandemic would be considered as an

unavoidable obstruction treating the same as under force majeure clause. The petitioner made series of representations including the representation dated 1<sup>st</sup> November, 2022 to allow him excavation of sand for additional period of one year during which he could not excavate the sand due to force majeure clause. But the concerned authority did not consider the representations filed by the petitioner in this regard.

Mr. Bandopadhyay, learned Advocate on behalf of the State respondents submits that the instant writ petition may be disposed of directing the competent authority to consider and dispose of the representation dated 1<sup>st</sup> November, 2022 being the last representation submitted by the petitioner in accordance with law.

In view of such submission made by Mr. Bandyopadhyay and considering the force majeure clause, the instant writ petition is disposed of directing the Additional District Magistrate and District Land and Land Reforms Officer to dispose of the representation dated 1<sup>st</sup> November, 2022 submitted by the petitioner in accordance with law after giving an opportunity to the petitioner or his authorized representative of being heard. The District Land and Land Reforms Officer, Birbhum shall also consider while adjudicating the representation if the petitioner was really prevented from excavating the sand during the period which has been urged in the instant writ petition. The competent authority shall dispose of the representation in the light of the observation made hereinabove in the instant order.

**(Bibek Chaudhuri, J.)**

**Srimanta, A.R.(Ct.)**

**Item No. 09.**