

22.06.2022
Ct. No.10
b.das

WPA 752 of 2022

Smt. Krishna Roy Chowdhury
Vs.
The State of W. B. & Ors.

Mr. Krishnendu Bera
Ms. Debolina Chakraborty ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Subhasish Bandyopadhyay ...for the State.

Exception filed by the petitioner to the report filed by the respondent No.5 is taken on record.

Heard learned counsels for the parties.

By an order dated 4th December, 2020, in WPA 8153 of 2020, a co-ordinate Bench of this Court directed the concerned District Magistrate to forward the petitioner's proposed mining plan to the concerned Mining Officer and the Mining Officer-in Charge was directed to act in accordance with law in an expeditious manner.

The petitioner's grievance is that despite such direction of the Court and the mining plan being forwarded to the Mining Officer, the Mining Officer returned the mining plan to the District Magistrate without examination or approval on the ground that no letter of intent or special recommendation of the district authority in prescribed format as per Rule 43 and 44 of the West Bengal Minor

Minerals (Concession) Rules, 2016 accompanied the mining plan.

The steps for mining plan as laid down in the order dated 27th December, 2017 passed by the Joint Secretary to the Government of West Bengal is reproduced below:

“Steps for approval of Mine Plan
1. Mine Plans forwarded from the offices of the District Magistrates only will be approved by the respective designated officers.”

As the mining plan was forwarded by the District Magistrate in terms of the said order, the Mining Officer-in-Charge ought to have considered the same for approval, more so, as Rule 43 and 44 of the 2016 Rules do not provide for any provision for letter of intent or special recommendation of the district authority in prescribed format to accompany the mining plan.

In view of the same, the writ petition is disposed of directing the District Magistrate, Hooghly, being the 3rd respondent herein, to forward the mining plan to the Mining Officer-in Charge, Hooghly Zone being the 5th respondent herein within seven days from date. The 5th respondent is directed to consider the said mining plan for approval within one month from the date of receipt thereof after giving opportunity of hearing to the petitioner, if necessary, in accordance with law.

With the above observations and directions, the writ petition being WPA 752 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)