

28
14.03.2022
Ct. No.10
b.das

W.P.A. 1324 of 2022

(Via Video Conference)

Md. Ajim Khan
Vs.
State of W. B. & Ors.

Mr. Pallav Chatterjee ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. R. C. Guchhait ...for the State.

Mr. Sanjay Saha
...for the WBMDTCL.

Affidavit of service filed on behalf of the petitioner is kept with the record.

Heard learned counsels for the parties.

The petitioner contends that pursuant to an application for grant of long-term mining lease, the petitioner was granted a grant order by the concerned authority on 30th November, 2005. No deed was executed in favour of the petitioner since then.

It is submitted on behalf of the petitioner that the grant order issued in favour of the petitioner is protected under Rule 61 of the West Bengal Minor Minerals Concession Rules, 2016 and Rule 34 of the West Bengal Sand (Mining, Transport, Storage and Sale) Rules, 2021.

The petitioner submitted a representation before the concerned authority in this regard on July 3, 2021, which is still pending. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 3rd July, 2021 taking into consideration Rule 61 of the West Bengal Minor Minerals Concession Rules, 2016 and Rule 34 of the West Bengal Sand (Mining, Transport, Storage and Sale) Rules, 2021 within a period of two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

With the above observations and directions this writ petition being WPA 1324 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.)