

05.05.2022
rc/ct.no.10
Item No.01

WPA No. 1022 of 2017
Biswanath Nag
Versus
The State of West Bengal & Ors.

Mr. Subhas Ch. Atha
Mrs. Payel Paramanik ... for the petitioner

Mr. N.C.Bihani
Mrs. Papiya Banerjee Bihani
Mr. Soumyajit Ghosh ...for the State

It is contended by the learned counsel appearing on behalf of the petitioner that the petitioner was granted long term mining lease by the State-respondents vide a deed of lease which was registered on March 26, 2012 for a period of 5 years. Pursuant to the order of the Hon'ble Supreme Court of India passed on February 27, 2012 as well as the order of the Hon'ble National Green Tribunal, Eastern Zone passed on August 09, 2016, the State Government, by a letter dated August 24, 2016, directed closure of the mining operation. The said letter is under challenge in the present writ petition.

It appears from the report submitted by the State-respondents that in terms of the order of the Hon'ble Supreme Court as well as the Hon'ble National Green Tribunal, no mining operation was permitted without Environment Clearance Certificate issued by the State Level Impact Assessment Authority (SEIAA).

It is submitted by the learned counsel appearing on behalf of the State-respondents that in terms of the said orders, the petitioner is required to apply for the environment clearance certificate through the “Paribesh Portal” of the Ministry of Environment, Forest and Climate Changes, Government of India which shall be dealt with by the competent authority.

Learned counsel appearing on behalf of the petitioner concedes to such proposal and prays for liberty to apply through the “Paribesh Portal” for issuance of the environment clearance certificate.

In view of the above, the writ petition is disposed of with liberty to the petitioner to apply for issuance of the environment clearance certificate through the “Paribesh Portal” of the Ministry of Environment, Forest and Climate Changes, Government of India within a week from date. Upon receipt of such application, the concerned authority shall dispose of the same within a month thereof.

Upon receipt of the environment clearance certificate from the concerned authority, the petitioner shall be at liberty to approach the State-respondents for extension of the lease, as prayed for by the petitioner, or otherwise and the concerned authority shall dispose of the said application within a month from the receipt thereof after granting reasonable opportunity of hearing to the petitioner, in accordance with law.

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

It is made clear that I have not gone into the merits of this case and the petitioner shall be at liberty to place his contention as made out in the writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA No. 1022 of 2017 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)