

WPA(P) 329 of 2022

**Sri. Ambuj Tewari
Vs.
The State of West Bengal & Ors.**

Mr. Goutam Dey
Mr. Dipendu Sarkar
Ms. Ankita Ghosh

... .. for the petitioner

Mr. Samrat Sen, AAAG
Ms. Amrita Panja Moulick

... .. for the State

Mr. Arjun Ray Mukherjee

... .. for the respondent nos.8 to 10

Mr. Sagar Bandopadhyay
Mr. Satadru Lahiri
Mr. Shirsho Dasgupta
Mr. Syed Wasim Faruque

... .. for the respondent nos. 19 & 20

The allegation in this petition is that the private respondent nos.19 and 20 are carrying out the mining operation in JL No.203, RS Plot No.2431 corresponding the CS Plot No.914, 2622 and 2629 which is a forest land.

In this regard, learned counsel for the petitioner has placed reliance upon the order of the State dated 06.07.2022.

Learned counsel for the State opposing the petition has submitted that in the order dated 06.07.2022 the Plot No.2431 has not been found to be forest land and that the private respondents have been granted mining lease in respect of the land which is not a forest land.

Learned counsel for the private respondents has also denied the allegation made in the petition and has submitted that the mining lease has been granted in respect of the land which is not a forest land.

The allegation which has been made by the petitioner needs to be examined after taking into account the land record of the concerned plot on which the mining permission has been granted, which can more appropriately be done by the District Magistrate, Purulia. Hence, we dispose of the present writ petition granting liberty to the petitioner to file an appropriate representation before the respondent no.12 and on receipt of the said representation the respondent no.12 will give an opportunity of hearing to all the concerned parties and will examine the land record and will take an appropriate decision in accordance with law.

Let this exercise be completed within a period of three months from the date of receipt of the representation.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)