

17.02.2022
rc/ct.no.10
Item No.08

WPA No. 15913 of 2019
Subir Kumar Ghosh
Versus
The State of West Bengal & Ors.

Mr. Subhas Chanda Atha
Mr. Payel Pramanik ...for the petitioner

Mr. T.M.Siddique ...for the State

Exception to the report submitted by the State-respondents filed by the petitioner is taken on record.

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 by virtue of a deed of lease on November 19, 2009 which expired on November 18, 2014. Prior to expiry of the lease the petitioner applied before the authority for renewal of the same on August 09, 2014. As the prayer of the petitioner was not considered, the petitioner moved a writ petition before this Court and by an order dated February 02, 2015 passed in W.P.No. 31976(W) of 2014, a coordinate Bench of this Court directed the District Magistrate to consider and dispose of the application filed by the petitioner within a period of six weeks from the date of communication of this order.

In compliance of the said order, the Additional District Magistrate and District Land & Land Reforms Officer, Bankura, by an order dated February 26, 2016

granted renewal of the lease upon compliance of certain conditions within a period of six months from the date of the order.

On complying with the conditions laid down in the said order, the petitioner submitted a draft deed before the authority by a letter dated March 02, 2016 along with the challan showing deposit of money. Subsequently, the authority demanded four final copies of the lease deed and a certain amount to be deposited by treasury challan to the Department for renewal of the lease. Such condition also being complied with, the petitioner further requested the authority to take necessary steps by a letter dated June 17, 2016. The authority, by a letter dated August 05, 2016 requested the petitioner to submit environmental clearance certificate for renewal of the lease. The petitioner applied before the District Magistrate for issuance of such certificate on March 06, 2017 but to no avail. The petitioner prays for a direction upon the authority to grant renewal of the lease deed on the basis of the documents submitted by him before the authority and also for issuance of environmental clearance certificate in his favour.

It is submitted by the learned counsel appearing on behalf of the State-respondents that in terms of an order passed by the National Green Tribunal, the petitioner is required to apply for environmental clearance certificate through 'Parivesh Portal' of the Ministry of Environment,

Forest and Climate Changes, Government of India and the same shall be dealt with by the State Government. He candidly submits that as there has been immense delay in issuance of the certificate as well as the renewal of the lease, the authority may be directed to consider the case of the petitioner within a stipulated period of time.

Learned counsel appearing on behalf of the petitioner concedes to such proposal of the State-respondents.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties the writ petition is disposed of with liberty to the petitioner to apply for environmental clearance certificate through the 'Parivesh Portal' of the Ministry of Environment, Forest and Climate Changes, Government of India within a period of fortnight from date. If such application is made by the petitioner, the concerned authority shall dispose of the same within a period of fortnight of receipt thereof.

Upon submission of the environmental clearance certificate by the petitioner before the authority, the authority shall renew the deed of lease in terms of the letters dated February 26, 2016; June 10, 2016 and August 05, 2016 within a period of one month from the date of submission of environmental clearance certificate, after giving reasonable opportunity of hearing to the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA No. 15913 of 2019 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)