

May 19, 2022
ARDR
(1393)

WPA 18664 of 2017

Sk. Jakir Hossain
Vs.
The State of West Bengal & Ors.

Mr. Sushanta Rakshit,
Mr. Sayantan Rakshit,

...for the petitioner.

Mr. Chandi Charan De,
Mr. Anirban Sarkar,

...for the State.

The contention of the petitioner is that he was granted long term mining lease for five years by virtue of a deed of lease dated 6th January, 2006 and applied for renewal of the said lease prior to expiry of the same. The petitioner submitted the draft mining lease deed along with a treasury challan of Rs. 500/- before the concerned authority and by a letter dated 2nd May, 2012 submitted the requisite documents including final lease deed, map, security deposit bank challan, affidavit and the approved draft deed before the authority. The environment clearance certificate could not be submitted as the same was not issued due to lack of infrastructure.

Pursuant to an order passed by the Government of West Bengal, Department of Industry, Commerce and Enterprise, Mines Branch, in Notification no.90-ICE/0/MIN/GEN-MIS/2017-2021 dated 17th February, 2022 the petitioner applied for grant of environment clearance certificate on 11th March, 2022. The petitioner

has prayed for a direction upon the concerned authority to grant renewal of the lease deed on the basis of documents submitted by him before the authority.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit the environment clearance certificate before the authority within a week of receipt thereof. Upon submission of the environment clearance certificate by the petitioner, the authority shall renew the deed of lease within a period of one month thereof after giving reasonable opportunity of hearing to the petitioner, in accordance with law.

With the above directions, WPA 18664 of 2017 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.)