

WPA 20159 of 2021

Bapi Kandar
Vs.
State of W.B. & Ors.

Mr. S. K. Rakshit
Mr. Sayantan Rakshit ...for the petitioner.

Mr. Ansar Mandal
Ms. S. Bhattacharya ...for the State.

Supplementary affidavit filed by the petitioner and the report submitted by the State respondents are taken on record.

Heard learned counsels for the parties.

The petitioner was granted long-term mining lease for excavation of sand for a period of five years with effect from 17th January, 2011 and complied with the requirements for granting such lease on 30th June, 2016.

In terms of the order of the Secretary to the Government of West Bengal in notification No.90-ICE/0/MIN/GEN-MIS/27/2021 dated 17th February, 2022 (annexure P-9 to the supplementary affidavit), the petitioner applied for Environment Clearance Certificate before the authority on 28th February, 2022 and issuance of such certificate is still awaited.

The innocuous prayer of the petitioner is for a direction upon the concerned authority to return the draft

deed submitted before the authority and an opportunity to the petitioner to submit the final deed after receipt of Environment Clearance Certificate for necessary steps to be taken by the authority.

Learned counsel for the State respondents also submits that the petitioner be directed to submit original deed along with Environment Clearance Certificate within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the petitioner to submit the lease deed accompanied by the Environment Clearance Certificate for registration of the deed within two weeks from the date of receipt of the Environment Clearance Certificate.

The 4th respondent is directed to take necessary steps for registration of the deed of lease within one month from the date of receipt thereof, in accordance with law.

With the above observations and directions this writ petition being WPA 20159 of 2021 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.)