

WPA 20896 of 2022

Om Sibsakti Sand
Vs.
The State of West Bengal & Ors.

Mr. Krishnendu Bera
Ms. D. Chakraborty
...for the petitioner.

Mr. Ansar Mandal
Mr. Hasibul Ismal
...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner's application for grant of short term mining lease was rejected by the Mining Officer-in-Charge, Hooghly solely on the ground that Environment Clearance Certificate was not filed by the petitioner.

By an order passed on 3rd September, 2019 in WP 14671 (W) of 2018, it was held by a Co-ordinate Bench of this Court that Environment Clearance Certificate is necessary in respect of mining lease/licence, be it for short term or long term. The said order was carried in appeal by the petitioner and the Hon'ble Division Bench of this Court, by an order passed on 27th November, 2018 in MAT 1210 of 2018 affirmed the order of the Single Bench.

It is submitted on behalf of the petitioner that in order to obtain Environment Clearance Certificate, he has

submitted a mining plan before the concerned District Magistrate for forwarding the same to the Mining Officer-in-Charge, Hooghly Zone being the 5th respondent herein.

The innocuous prayer of the petitioner is for direction upon the District Magistrate, being the 3rd respondent herein to forward the said mining plan to the 5th respondent for consideration.

Since the petitioner has submitted the mining plan before the 3rd respondent on 30th August, 2022, the said respondent ought to have forwarded the same to the 5th respondent in terms of the notification issued by the State Government on 27th December, 2017.

In view of the above, the writ petition is disposed of by directing the 3rd respondent to forward the mining plan to the 5th respondent within fortnight from date. The 5th respondent is directed to consider the said mining plan for approval of the same within two months from the date of receipt thereof after giving reasonable opportunity of hearing to the petitioner, if required, in accordance with law.

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

With the above observations and directions this writ petition being WPA 20896 of 2022 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.)