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jdt.

23.03.2023
jb.

W.P.A. 316 of 2018
(Banamali Dandapat vs. State of West Bengal & Ors.)

Mr. Rahul Karmakar
Mr. Kalyan Sengupta
Mr. Sounak Mukherjee

.... For the Petitioner

Mr. T. M. Siddiqui
Ms. A. Pandey

.... For the State

Heard learned counsels for the parties.

Pursuant to an order passed by a co-ordinate Bench of this Court on 25th March, 2008 in W.P. No. 5108(W) of 2008 the petitioner was granted temporary quarry permit from time to time during pendency of his application for long term mining lease.

It is submitted on behalf of the petitioner that issuance of such quarry permit was stopped after some time following which the petitioner submitted a representation before the concerned authority requesting issuance of short term mining license in his favour. Since the said representation was submitted in 2017 the petitioner seeks liberty to submit a comprehensive representation along with an application in prescribed form under Rule 43 of the West Bengal Minor Mineral Concession Rules, 2016 before the concerned authority stating the entire facts requesting issuance of short term mining licence in her favour.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the said representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation along with an application in prescribed form under Rule 43 of the West Bengal Minor Minerals Concession Rules, 2016 before the 4th respondent within two weeks from date. The 4th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to consider the representation of the petitioner independently in accordance with law without being influenced by any observation which may have been made in this order.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)