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jdt.

11.07.2023
jb.

WPA 2378 of 2017
(Swapna Sarkar vs. State of West Bengal & Ors.)

Mr. Sushanta Kr. Rakshit
Mr. Manish Biswas
.... For the Petitioner

None appears for the respondents despite service of notice.

Heard learned counsel for the petitioner.

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease by virtue of registered deed of conveyance issued by the District Magistrate, Bankura, Government of West Bengal and possession was handed over to the petitioner on 16th June, 2016. The petitioner applied for issuance of environment clearance certificate in order to commence mining operation. Though such certificates were issued in favour of the lessees who were granted lease by way of e-auction, the petitioner was denied such certificate. The petitioner submitted a representation before the concerned authority in this regard on 11th January, 2017 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest and take necessary steps for issuance of environment clearance certificate in accordance with law.

Upon consideration of the submission made on behalf of the petitioner and material on record, this Court is inclined to hold that since the petitioner has applied for environment clearance certificate and is not able to commence mining operation despite being granted lease as well as possession of the block in question, the concerned authority being the 5th respondent be directed to consider and dispose of the representation submitted by the petitioner dated 11th January, 2017 and also consider issuance of environment clearance certificate in favour of the petitioner upon giving reasonable opportunity of hearing to the petitioner and upon the petitioner complying with all requisite formalities within one month from the date of communication of this order, in accordance with law.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

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

(Suvra Ghosh, J.)