

26.04.2023
rc/ct.no.10
Item No.30

WPA No. 2380 of 2017
Smt. Mallika Biswas
Vs.
The State of West Bengal & Ors.

Mr. Susanta Kumar Rakshit
Mr. Sayantan Rakshit ...for the petitioner

Mr. Manas Kumar Sadhu ...for the State

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

The petitioner applied for grant of long term mining lease before the concerned authority for a period of 5 years which was rejected on the ground of amended provision of West Bengal Mines and Minerals Rules, 2002. The writ petition filed by the petitioner against such rejection was dismissed as against which the petitioner preferred an appeal being MAT No. 947 of 2014. By an order passed on December 22, 2014 in the said appeal the Hon'ble Division Bench of this Court allowed the prayer of the petitioner on the ground that the amended provision referred to was declared ultra vires by a Writ Court. Pursuant to the said order, the petitioner applied before the concerned authority being the District Magistrate, Bankura for vetting of the map submitted by the petitioner before the authority, which is yet to be considered. The petitioner prays for a direction upon the authority to consider the application at the earliest.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the said application submitted by the petitioners on 16th November, 2016 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected persons including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)