

December 13, 2023
ARDR (14)

WPA 6345 of 2023

Ajim Khan
Vs.
The State of West Bengal & ors.

Adv. Pallav Chatterjee,
Adv. Tanuja Bsak,
Adv. Manojit Chakraborti,
...for the petitioner.

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

None appears for the State respondents, despite service.

Ms. Suchana Banerjee, advocate who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

Her appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexures thereto upon Ms. Banerjee, advocate in course of this day.

Heard learned counsels for the parties.

The petitioner seeks disposal of his representation submitted before the concerned authority on 1st November, 2022 for issuance of grant order in respect of his application dated 26th May, 2006 for long term mining lease.

Learned counsel for the petitioner submits that recommendation for grant of mining lease was made in favour of the petitioner by the Inspecting Officer and

mining Officer, in-charge of Purulia Zone, Government of West Bengal by a communication dated 31st May, 2007. Learned counsel submits that the application filed by the petitioner is protected under Rule 61 of the West Bengal Minor Minerals Concession Rules, 2016 and Rule 34 of the West Bengal Sand (Mining, Transport, Storage and Sale) Rules, 2021. The petitioner seeks consideration of his representation by the authority at the earliest.

Learned counsel for the respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 1st November, 2022 upon taking into consideration Rule 61 of the West Bengal Minor Minerals Concession Rules, 2016 and Rule 34 of the West Bengal Sand (Mining, Transport, Storage and Sale) Rules, 2021 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

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

There shall however, 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.)