

WPA 7572 of 2023

Gopal Kandar
Vs.
The State of West Bengal & Ors.

Mr. Sushanta Kr. Rakshit
Mr. Manish Biswas ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the petitioner applied for long-term mining lease for a period of five years upon depositing requisite fees. The application was rejected by the respondent authorities on 4th October, 2012 on the ground of amended Rule 16B of the West Bengal Minor Minerals Rules, 2002. The said Rule was declared ultra vires by a co-ordinate Bench of this Court in a judgment passed on 4th July, 2014 in WP 16526 (W) of 2013.

The petitioner filed a representation before the concerned authority requesting the authority to set aside the order of rejection on the basis of the said judgment and was informed that the State had carried the said order in appeal before an Hon'ble Division Bench.

The petitioner learnt that the appeal being MAT 2037 of 2014 was dismissed for default by an order passed on 8th April, 2022.

The petitioner submitted a further representation before the authority on 15th February, 2023 seeking reconsideration of his application for grant of mining lease in terms of the order passed by the Single Bench of this Court. The said representation is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation 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 representation submitted by the petitioner dated 15th February, 2023 upon affording reasonable opportunity of hearing to the petitioner and in the light of the observation made by this Court in the judgment dated 4th July, 2014 in WP 16526 (W) of 2013 within a period of 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 thereafter.

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.)