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18.09.2023
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W.P.A. 7582 of 2023
(Gopal Kandar vs. State of West Bengal & Ors.)

Mr. Sushanta Kr. Rakshit
.... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Heard learned counsels of the parties.

It is contended on behalf of the petitioner that the petitioner applied for long term mining lease for a period of five years on 17th January, 2011 along with requisite fees. The application has not been considered as yet.

Learned counsel for the petitioner draws the attention of this Court to a circular issued by the Government of West Bengal, Department of Industry, Commerce and Enterprises, Mines Branch, on 11th April, 2017 which records that as per Rule 62(2) of the West Bengal Minor Mineral Concession Rules, 2016 actions taken under now repealed West Bengal Minor Mineral Rules, 2002 have been saved including the mining lease granted prior to implementation of 2016 Rules. So, there is no bar in continuation of such leases subject to compliance of environmental clearance from appropriate authority and adherence to the terms and conditions in the Mining Lease as well as DMF Rules.

The petitioner seeks to submit a comprehensive representation in this regard before the concerned authority and prays for a direction upon the 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 with liberty to the petitioner to submit comprehensive representation before the 4th respondent annexing relevant documents thereto within 10 days from date. The 4th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all the stake holders including the petitioner, in accordance with law.

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

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.)