

WPA 8511 of 2022

Molla Abdul Odud
Vs.
The State of West Bengal & Ors.

Adv. Susanta Kumar Rakshit,
...for the petitioner.
Adv. Md. T. M. Siddiqui,
Adv. D. Sahu,
...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that pursuant to an order passed by a coordinate Bench of this Court in WP No.15898 (W) of 2012 filed by one Swapan Sarkar, the District Magistrate, Bankura by an order passed on 2nd May, 2013 granted long term mining lease for a period of two years to several lessees including the present writ petitioner in respect of an area of 4.25 acres fixing a minimum annual target for extraction of sand at 80,000 cubic feet per acre. Provisional grant order was accordingly issued in favour of the petitioner. The petitioner submitted the draft deed along with requisite fees, income tax and sales tax clearance affidavits before the District Magistrate requesting necessary steps to be taken by the latter. The petitioner was requested to submit environment clearance certificate from the appropriate authority in respect of the mining lease for taking further course of action and by a letter issued on 16th February, 2022, the Additional District Magistrate and District Land

& Land Reforms Officer, Bankura, resent the mine plan and progressive mine closure plan of the petitioner to the Senior Geologist, Director of Mines and Minerals for taking necessary action as per relevant rules. The petitioner submitted several representations before the concerned authority, last of them being on 24th March, 2022, requesting modification of the grant order and grant of mining lease for a period of five years instead of two years and return of the approved draft deed for the purpose of obtaining environment clearance certificate as required under the law.

Learned counsel for the petitioner has placed reliance upon the authority in ***Deepak Kumar etc. vs. State of Haryana etc. & ors.*** in I.A. Nos. 12-13 of 2011 in Special Leave Petition nos. 19628-19629 of 2009 wherein the Hon'ble Supreme Court has recommended issuance of mining lease for a minimum period of five years. The authority also contains key recommendations for grant of mining lease and observes that all State Governments/ Union Territories have to give due weight to the said recommendations of the MoEF which are made in consultation with all the State Governments and Union Territories.

The petitioner prays for a direction upon the concerned authority to consider the representation submitted by him in the light of the observations made by the Hon'ble Supreme Court in the authority referred to.

It is submitted on behalf of the State respondents that the lease was granted in favour of the petitioner in 2013 and the legal scenario has undergone sea change since then. Learned counsel submits that Additional District Magistrate and District Land & Land Reforms Officer, Bankura, being the 4th respondent herein, be directed to consider the representation submitted by the petitioner in accordance with law as well as in the light of the observations made by the Hon'ble Supreme Court in the judgment referred to above.

In the view of the above, the writ petition being WPA 8511 of 2022 is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 24th May, 2022 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law and in the light of the observations made by the Hon'ble Supreme Court in the authority referred to earlier.

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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)