

July 24, 2023
ARDR
(23)

WPA 9506 of 2023

Raja Ghosh
Vs.
The State of West Bengal & Ors.

Adv. Pallav Chatterjee,
Adv. Monajit Chakraborti,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

Being the highest bidder in an e-auction floated by the authority and upon depositing one-third of the bid amount, Letter of Intent was issued in favour of the petitioner and the petitioner applied before the District Magistrate, Purba Burdwan for issuance of environment clearance upon approval of mining plan by the Chief Mining Officer, Asansol, Paschim Bardhaman. In the meantime, by an order passed on 11th December, 2018, the Hon'ble National Green Tribunal directed stay of operation of the function of the District Authority for issuance of environment clearance and by a memo dated 17th February, 2022, the highest bidders were allowed to apply for environment clearance before the State Environment Impact Assessment Authority within 31st March, 2022. Letter of Intent was issued in favour of the petitioner was extended for a period of six months. The

petitioner applied for environment clearance before the concerned authority on 21st February, 2022 which was turned down by the authority on the ground that the mining plan and application did not fall within the potential zone of the approved district survey report. The petitioner thereafter applied for an alternative sand block in order to enable him to commence mining operation. Several representations submitted by the petitioner in this regard fell on deaf ears. The petitioner prays for a direction the authority to consider his representations and allot an alternative sand block in the potential zone in his favour so that he can commence mining operation.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the representations submitted by the petitioner 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 representations submitted by the petitioner (Annexure P-5 to the writ petition) within one month 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 concerned authority shall consider allotment of an alternative sand block in the potential zone in

favour of the petitioner in considering the representations.

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

With the above directions, WPA 9506 of 2023 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)