

WPA 17962 of 2023

Maa Sarada Enterprise & Ors.
Vs.
The State of W.B. & Ors.

Mr. Susanta Kumar Rakshit
Mr. Manish Biswas ...for the petitioners.

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

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that an application filed by the petitioners for grant of long term mining lease upon depositing requisite fees was turned down by the authority 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 petitioners submitted a representation before the concerned authority requesting setting aside of the order of rejection on the basis of the said judgment and was informed that the State carried the said judgment in appeal before an Hon'ble Division Bench.

Learned counsel submits that the appeal being MAT 2037 of 2014 was dismissed for default by an order passed on 8th April, 2022.

Immediately thereafter the petitioners submitted a further representation before the authority on 12th July, 2023 seeking reconsideration of their 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 petitioners pray 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 in 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 petitioners dated 12th July, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners and in the light of the observation made by this Court in the judgment passed on 4th July, 2014 in WP 16526 (W) of 2013, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners 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.)