

March 22, 2023
ARDR

WPA 17902 of 2018

Israil Sk.
Vs.
The State of West Bengal & Ors.

Adv. Biswarup Biswas,
Adv. Nirmalendu Bera,
Adv. Gora Chand Samanta,

...for the petitioner.

Adv. Md. T. M. Siddiqui,
Adv. N. Chatterjee,
Adv. D. Ghosh,

...for the State.

It is submitted on behalf of the petitioner that despite an order of this Court passed on 24th December, 2001 in W.P. 19165(W) of 2001 appearing at page 29 of this petition directing the respondents to consider and dispose of the application of the petitioner for grant of long term mining lease in respect of the plot in question within three months from the date of order along with an interim order in favour of the petitioner on certain terms and conditions, the authority has not taken any step for disposal of the application and has stopped issuance of quarry permit and road challans in favour of the petitioner. The petitioner prays for a direction upon the respondents in terms of prayer (a) of the petition.

It is submitted on behalf of the State respondents that the said prayer of the petitioner may be allowed with a direction upon the competent authority to consider the application of the petitioner in accordance with law.

In view of the above, the writ petition is allowed in terms of prayer (a) of the petition.

The 2nd respondent is directed to consider and dispose of the application submitted by the petitioner for grant of long term mining lease in terms of the order passed by this Court in W.P. 19165(W) of 2001 on 24th December, 2001 within one month from the date of communication of this order after giving reasonable opportunity of hearing to the petitioner, in accordance with law.

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

W.P.A. 17902 of 2018 is thus disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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.)