

08
06.06.2023
Ct. No.10
b.das

WPA 20430 of 2022

Lokesh Kakkar
Vs.
The State of W.B. & Ors.

Mr. Abhratosh Majuimdar, Sr. Adv.
Mr. Kallol Mondal
Mr. K. Ray
Mr. S. Das
Mr. K. Roy
Mr. a. Banerjee ...for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Sudip Sarkar ...for the State.

Written instructions submitted on behalf of the respondents is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the District Land and Land Reforms Officer, Bankura on 3rd June, 2022 rejecting his request for issuance of transit pass for the period of validity of the lease.

It is submitted on behalf of the petitioner that the authority refused to grant transit pass to the petitioner during the period of lease for which the petitioner was unable to transport the material excavated by him during the said period.

Per contra, learned counsel for the respondents submits that the authorities stopped issuing transit pass since the petitioner had already excavated black stone in

excess of the permissible limit of 26250 cubic metres per year.

The only reason for rejection of issuance of transit pass stated in the order impugned is that the mining lease was valid only till 24th January, 2022 for which the authority was not in a position to issue transit pass subsequent to the said period. There is no reflection in the said order with regard to the alleged excess excavation made by the petitioner in violation of the conditions laid down in the Environment Clearance Certificate by the State Level Environment Impact Assessment Authority on 4th May, 2016.

It appears that the petitioner has sought issuance of transit pass for the period of validity of the lease and not thereafter. The order impugned is bereft of sufficient reasons as to why the said request of the petitioner was turned down by the authority, more so, since there was no request on the part of the petitioner for issuance of transit pass after expiry of the lease period.

In the circumstances, this Court is inclined to hold that the order impugned insofar as the request of the petitioner for issuance of transit pass was turned down, needs to be revisited by the authority.

Accordingly, the order impugned dated 3rd June, 2022, insofar as issuance of transit pass was refused by the authority, is set aside.

The concerned authority, being the 3rd respondent herein, is directed to revisit the issue of issuance of transit pass in favour of the petitioner for the period of validity of the lease in the light of the observation made in the body of this order.

In dealing with the said issue, the 3rd respondent shall give sufficient opportunity of hearing to the petitioner and come to a reasonable finding within six weeks from the date of communication of this order.

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

With the above observations and directions this writ petition being WPA 20430 of 2022 is disposed of.

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.)