

December 8, 2023
ARDR (496)

WPA 23222 of 2023

Dhananjay Nandi & ors.
Vs.
The State of West Bengal & ors.

Adv. Susanta Kumar Rakshit,
Adv. Manish Biswas,
...for the petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that an application filed by the petitioners for grant of long term mining lease upon depositing requisite fees was turned down by the authority by an order passed on 16th November, 2012 on the ground of amended rule 16(B) of the West Bengal Minor Minerals Rules, 2002. The said rule was declared ultra vires by a coordinate Bench of this Court by a judgment passed on 4th July, 2014 in WP No. 16526 (W) of 2013.

Appeal preferred by the State against the said judgment was dismissed for default by an Hon'ble Division Bench of this Court passed on 8th April, 2022 in MAT 2037 of 2014.

The petitioners submitted a fresh application before the authority on 8th September, 2023 seeking reconsideration of their application for grant of mining lease in terms of the order dated 4th July, 2014 passed by the learned 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 with 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 8th September, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all 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 petitioner within a week thereof.

With the above observations and directions the writ petition 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.)