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21.08.2023
Ct. No.10
b.das

WPA 23435 of 2018

Sanjoy Bhattacharya
Vs.
The State of W. B. & Ors.

Mr. Rabindranath Mahato ...for the petitioner.

Md. T. M. Siddiqui
Mr. Suddhadev Adak ...for the State.

Heard learned counsels for the parties.

The petitioner seeks a direction upon the concerned authority to issue environment clearance certificate in his favour and execute and register the deed of lease for a period of five years.

Initially, a mining lease was granted in favour of the petitioner which expired due to efflux of time and the petitioner applied for renewal thereof.

The prayer for renewal was initially turned down by the authority and upon intervention of this Court, the authorities renewed the lease for a period of two years which was subsequently revised and renewed for five years. The petitioner applied for environment clearance certificate, which is yet to be issued.

The fact of the entire case has been recorded by this Court in an order passed on 10th December, 2018 wherein this Court restrained the respondent authorities from putting the plot in question for auction and creating any

third party right in respect of the same. The order records that the authorities are not prevented from executing the deed of lease in terms of the writing dated March 2, 2016 and from considering and deciding the application for grant of environment clearance.

The proviso to Rule 61 of the West Bengal Minor Minerals Concession Rules, 2016, envisages that if the applicant has been issued a grant order or letter of intent or any other government order requiring alteration of the applicant's possession, then his mining lease application may be considered after due compliance of all necessary conditions.

Needless to mention that issuance of environment clearance certificate is a pre-requisite to execution and registration of the deed of lease in favour of the petitioner.

Learned counsel for the State respondents submits that the petitioner may apply in the Paribesh portal of Ministry of Environment, Forest and Climate Change of the Government of India for issuance of environment clearance certificate in his favour.

Upon consideration of the submission made on behalf of the parties and the law on the point, this Court is inclined to hold that keeping the writ petition pending shall not serve any fruitful purpose.

The petitioner is at liberty to apply in the Paribesh portal of Ministry of Environment, Forest and Climate Change of the Government of India for issuance of

environment clearance certificate upon compliance with necessary formalities within four weeks from date.

Upon the petitioner submitting the said certificate before the concerned authority, the authority, being the 6th respondent herein, is directed to execute and register the deed of lease within one month from the date of receipt thereof in favour of the petitioner, subject to the petitioner complying with all other requisite formalities.

With the above observations and directions the writ petition being WPA 23435 of 2018 is disposed of.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)