

December 22, 2023
ARDR (7)

WPA 26089 of 2023

Tapas Banerjee
Vs.
The State of West Bengal & ors.

Adv. Susanta Rakshit,
...for the petitioner.
Adv. Sanjay Saha,
Adv. Subhasish Bhattacharya,
...for the respondent no.5.
Adv. Ayan Banerjee,
Adv. Debapriya Chatterjee,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

It is contended on behalf of the petitioner that the petitioner applied for long term mining lease and was granted provisional lease on 14th June, 2016 for a period of two years subject to obtaining environment clearance certificate in terms of the order of the Hon'ble Supreme Court passed in Special Leave Petition (Civil) Nos. 19628 – 19629 of 2009 as well as order of the National Green Tribunal.

Learned counsel for the petitioner submits that grant of environment clearance certificate is in progress but the Additional District Magistrate and District Land & Land Reforms Officer, Bankura is yet to vet map which is mandatory for grant of environment clearance certificate. Also, in view of the observation made by the Hon'ble Supreme Court in the judgment as referred to above, mining lease ought to be granted for a minimum period of five years. The petitioner submitted a representation before

the concerned authority on 19th August, 2023 seeking short term mining licence till long term mining lease is granted in his favour by the authority. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsels for the respondents submit 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 petitioner dated 19th August, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and in the light of the observation made by the Hon'ble Supreme Court in Special Leave Petition (Civil) Nos. 19628 – 19629 of 2009, in accordance with law.

With the aforesaid directions the writ petition is disposed of.

There shall however, 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.)