

WPA 28481 of 2022

Muhammad Pintu @ Md. Pintu
Vs.

The State of West Bengal & Ors.

Adv. Subhendu Roy Chowdhury,
Adv. Shila Chatterjee,

...for the petitioner.

Adv. Santanu Kumar Mitra,
Adv. Subhabrata Das,

...for the State.

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

Brief case history submitted by the respondents is also taken on record.

It is submitted on behalf of the petitioner that the petitioner applied for grant of short term mining licence under Rule 44 of the West Bengal Minor Minerals Concessions Rules, 2016 before the Additional District Magistrate and District Land & Land Reforms Officer, Purba Burdwan on 16th November, 2022 and deposited requisite fees for the same despite which the application has not been considered. The petitioner prays for a direction upon the concerned authority to consider the application for grant of short term mining licence and issue transit challan in his favour within a stipulated time frame.

It is submitted on behalf of the respondents that in view of the restraining order passed by the National Green Tribunal in Original Application no.123 of 2014 and M.A.

No.419 of 2014, no permit for sand mining or minor minerals extraction on riverbed or otherwise can be granted without the concerned person obtaining environment clearance from the competent authority.

Be that as it may, since the application submitted by the petitioner before the concerned authority is pending, the concerned authority, being the 6th respondent herein, be directed to consider the same in accordance with law.

Accordingly, the writ petition being WPA 28481 of 2022 is disposed of directing the 6th respondent to consider and dispose of the application submitted by the petitioner dated 16th November, 2022 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)