

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri
WPA 35565 of 2013**

**Sayed Neajuddin
Vs.
State of West Bengal & Ors.**

For the petitioner : Mr. Mir Anowar

Judgement on : 30.08.2023.

Bibek Chaudhuri, J.

The instant writ petition registers a challenge of an administrative order dated 24th March, 2011 passed by ADM and DL & LRO, respondent No.3 herein rejecting the prayer for renewal of mining lease in favour of the petitioner. The said order dated 24th March, 2011 was communicated to the petitioner after a lapse of about 2 and ½ years on 25th September, 2013. Immediately the petitioner filed the instant writ petition for appropriate relief.

I have heard the learned Advocate for the petitioner. The State respondents are not represented.

I am inclined to record the relevant portion of the impugned order:-

“Seen the report of the BL & LRO Jamalpur as sent vide memo No.108/LM/JMP/10-11 dated 25th February, 2011 in which it is mentioned that the lease hold area of the petitioner Sayed Neajuddin in plot No.443(P) of Mouza-Dadpur, J.L. 9 has fallen within 200 mtrs. of the Railway Bridge over the River Damodar which is now under construction. That means a leasehold area is very much within the prohibited area. Since leasehold area is prohibited area, renewal was refused. Subsequently, the Mines and Minerals Rules, 2002 was repealed by Mines and Minerals Concession Rules, 2016. In both the rules licence of mining work cannot be granted in the prohibited area.

In view of such circumstances, I do not find any illegality in the impugned order dated 24th March, 2011. Accordingly, the instant writ petition is dismissed.

(Bibek Chaudhuri, J.)

***Mithun
A.R. (Ct).
SI No.33.***