

19.02.2024

Ct. no.654

Sl. No.171

SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 1941 of 2023
(specially assigned)**

**Sk. Kismatullah
Vs.
State of West Bengal & Ors.**

Ms. Shila Chatterjee
..for the petitioner
Mr. Sanjay Saha
Mr. Subhasish Chatterjee
..for the WBMDTCL

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
... for the State

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

This is an application under Article 226 of the Constitution of India filed by the petitioner for a direction upon respondent authorities for grant of Short Term Mining Licence under Rule 44 of the West Bengal Minor Minerals Concession Rules, 2016.

Ms. Shila Chatterjee, learned advocate for the petitioner submits that the petitioner made an application for grant of Short Term Mining Licence on 5th December, 2022 in respect of plot nos. 1130, 1131, 1233, 1234 and other 10 plots within Mouza Atkulya, J.L. No.64, measuring more or less 50 acre under Khandoghosh Police Station, District Purba Bardhaman. However, since the aforesaid application is not disposed of by the

concerned authorities, the petitioner is constrained to file the present writ petition. She informs the Court that the hearing in respect of the application of the petitioner has already been concluded by the District Land and Land Reforms Officer & Additional District Magistrate, Purba Bardhaman, being the respondent no.7, however, the order has not yet been passed. She seeks appropriate directions.

Mr. Sanjay Saha, learned advocate for the West Bengal Mineral Development & Trading Corporation Limited, being the respondent no.4, submits that the direction may be issued for passing reasoned order in respect of the application of the petitioner for grant of licence by the respondent no.7.

Mr. Chandi Charan De, learned Additional Government Pleader also submits in similar fashion.

Upon hearing the learned advocates for respective parties and considering the materials on record, the District Land and Land Reforms Officer & Additional District Magistrate, Purba Bardhaman, being the respondent no.7, is directed to dispose of the application of the petitioner dated 5th December, 2022 by passing reasoned order in accordance with law within a period of one month from the date of communication of this order.

The result of such disposal be intimated to the petitioner within a week thereof.

The learned advocate-on-record for the petitioner is directed to serve a copy of this order upon the respondent

no.7, District Land and Land Reforms Officer & Additional District Magistrate, Purba Bardhaman.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

It is made clear that this Court has not gone into the merits of the case.

With the above directions, this writ petition being **WPA 1941 of 2023** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)