

20.11.2024

Item No. 14

Crt.No.02

b.r.

WPA 7264 of 2024

Sk. Golam Goush

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

Mr. Nirmalendu Bera

Mr. Gora Chand Samanta

.... For the petitioner.

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

..... for the Resp. nos. 1 to 7.

Mr. Sanjay Saha

.... For the Resp. no.8.

Affidavit of service filed in Court today, is taken on record.

Mr. Anjan Bhattacharya, learned counsel appears for the petitioner.

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the respondent nos. 1 to 7.

Mr. Sanjay Saha, learned counsel appears for the respondent no.8.

The prayer in the writ petition shows the petitioner claims a Short Term Mining Lease.

Referring to **annexure P-3 at page-26** to the writ petition, learned counsel for the petitioner submits that necessary application has been filed

for obtaining Short Term Mining Lease but the same has not been considered.

Both the learned counsel for the respondents referring to **West Bengal Sand (Mining, Transportation, Storage and Sale) Rules, 2021** submits that, this is the present Rule governing the field. The petitioner submitted its application appearing at **page-26** to the writ petition is under the old rules which no more in operation.

In view of the above, the petitioner shall be at liberty to apply for obtaining **Short Term Mining Lease** strictly in accordance with the said **Mining Rules, 2021** as referred to above within a period of **ten days** from date.

In the event, such an application is filed, the appropriate and jurisdictional authority shall consider the same strictly in accordance with law but positively within a period of **six weeks** from the date of receiving such application from the petitioner. In the event any assistance is called for, the petitioner shall provide all such assistance to such appropriate authority and if necessary, the petitioner shall also produce all the relevant documents and records before such authority.

However, it is made clear that this order shall not create any right or equity in favour of the

petitioner in the event the petitioner does not succeed to its claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 7264 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)