

Court No. 2
12.8.2024
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 26332 of 2023

Madanmohon Chatterjee
VS
The State of West Bengal & Ors.

Mr. Sreekumar Chakraborty
.... For the petitioner
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

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

The petitioner for obtaining mining lease had applied in 2010 before the appropriate State authority. The application was received by the appropriate State authority on **March 19, 2010, annexure P-1 at page 9** to the writ petition. Thereafter such application had not been proceeded with a single step.

Mr. Sreekumar Chakraborty, learned counsel appearing for the petitioner submits that, time to time several representations were made on behalf of the petitioner. The last of such representation was made on **February 27, 2023 at page 30** to the writ petition but no step was taken by the State authority. This led the petitioner to file the instant writ petition.

Mr. Chandi Charan De, learned Additional Government Pleader referring to **Rule 62 of the West Bengal Mining and Minerals Concession Rules, 2016 (for short, 2016 Rules)** submits that, the

previous Rules 2002 under which the petitioner submitted its application stood repealed and no action was taken in furtherance of the said application of the petitioner submitted in 2010 by the State authority, nothing can be done as the previous 2002 Rules stood repealed.

After considering the rival contentions of the parties and upon perusal of the materials on record and the repealing provisions of 2002 Rules, this Court is of the firm view that, this writ petition has lost its life and no further order can be passed therein other than its dismissal.

In view of the above, this writ petition **W.P.A. 26332 of 2023** stands **dismissed**, without any order as to costs.

However, if the petitioner is otherwise eligible to participate in the forthcoming e-auction process for granting mining lease, the petitioner shall be at liberty to do so when his application shall also be considered in accordance with law in the manner and mode as prescribed in the Rules of law.

It is made clear that, this order shall not create any right or equity in favour of the petitioner in any manner.

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

(Aniruddha Roy, J.)