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21.03.2024
Ct. No.10
b.das

WPA 27392 of 2023

Sk. Islam Hossain
Vs.
The State of W.B. & Ors.

Mr. Susanta Kr. Rakshit
Mr. Manish Biswas ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee ...for the State.

Mr. Sanjay Saha
Mr. S. Bhattacharya ...for respondent no.5.

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

Heard learned counsels for the parties.

Being the highest bidder in the e-auction floated by the respondents and upon depositing 1/3rd of the bid amount, Letter of Intent was issued in favour of the petitioner on 12th November, 2018. The plot in question was a potential mining zone when the auction was floated. The application made by the petitioner for Environment Clearance Certificate was refused by the authority on the ground that the plot in question was declared as a non-potential mining zone subsequently.

The petitioner seeks to submit a revised mining application before the authority and prays for a direction upon the authority to issue query permit in his favour in

the meantime in terms of Rule 43(2) of the West Bengal Minor Minerals Concession Rules, 2016.

The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 4th respondent be directed to deal with the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 4th respondent within two weeks from date. The 4th respondent is directed to consider and dispose of the representation within a period of six weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

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

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)