

S/L 4
08.04.2025
Court. No. 19
Sourav

WPA 1539 of 2025

**Mallika Biswas @ Mallicka Biswas
Vs.
The State of West Bengal & Ors.**

*Mr. Sourav Sen, Sr. Adv.
Mr. Jayanta Mandal
Mr. Sayantan Rakshit
Ms. Adrisnata Chakraborty*

...for the petitioner.

*Mr. Chandi Charan De, Ld. AGP
Ms. Reshma Chatterjee*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 7.

1. The affidavit-of-service as filed in Court today is taken on record.
2. Leave is granted to the learned advocate on record for the writ petitioner to add State Environment Impact Assessment Authority ('SEIAA' in short) as party respondent no. 8 positively in course of this day in Court.
3. At the time of hearing, Mr. Sen, learned Senior Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page No. 62 of the instant writ petition being a copy of letter dated 03.10.2024 as written by the writ petitioner addressed to the Additional District Magistrate and District Land and Land Reforms Office, Bankura requesting him to assist her in obtaining environmental clearance certificate for completion of pending lease of excavation of sand which was stopped on account of

issuance of memo dated 24.08.2016 in favour of the writ petitioner. It is the case of the writ petitioner that for non-granting and/or non-issuing the said environmental clearance certificate, the writ petitioner cannot excavate sand from the riverbed though a long term mining lease was granted in favour of the writ petitioner.

4. Such contention is opposed on behalf of the respondent/State as well as respondent no. 7 on the ground that in the meantime, the relevant rule regarding excavation of sand has been changed by repealing the old Rules of 2002 by which a lease was granted in favour of the writ petitioner.
5. However, such contention is disputed by Mr. Sen in his reply.
6. It is, however, submitted that the added respondent no. 8 i.e., the SEIAA is the appropriate authority for issuing environmental clearance certificate.
7. In view of the discussion made hereinabove and while disposing the instant writ petition, this Court grants liberty to the writ petitioner to make a fresh representation with the added respondent no. 8 preferably within a period of 30 days from today. In the event, such representation is submitted with the added respondent no. 8, the said authority shall consider such representation of the writ petitioner in accordance with law and after giving an opportunity of hearing to the writ petitioner and/or her authorized representative

shall pass a reasoned order soon thereafter and shall communicate the said reasoned order to the writ petitioner preferably by mail, if the mail details of the writ petitioner is provided to the said authority in course of hearing.

8. It is made clear that the entire exercise as indicated in the foregoing paragraphs is to be completed by the added respondent no. 8 within a period of 90 working days from the date of communication of the server copy of this order.
9. Liberty is given to the writ petitioner to communicate the server copy of this order.
10. The added respondent no. 8 is directed to act on the server copy of this order.
11. With the aforementioned observations, the instant writ petition being **WPA 1539 of 2025** is disposed of.
12. Before parting with, it is, however, made clear that this Court has not gone into the merits of the instant writ petition.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)