

D/L 17  
06.08.2025  
Court. No. 19  
pp

**WPA 11005 of 2025**

**Sahadeb Mondal  
Vs.  
State of West Bengal & Ors.**

*Mr. Susanta Kumar Rakshit*

*...for the petitioner.*

*Mr. Supratim Dhar, Sr. Adv.,  
Mr. Suman Singh*

*...for the State Respondents*

*Mr. Sanjoy Saha,  
Mr. Raju Mondal*

*...for the respondent no.7.*

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. On behalf of the respondents/State a report dated 07.07.2025 as submitted by the respondent no.5/authority is filed and the same is also taken on record.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ or writs against the respondent no.5/authority commanding him to issue the vetted map in compliance with the order passed by this High Court.
4. At the time of hearing, Mr. Rakshit submits before this Court that by a judgment and order dated 22.12.2014 a Division Bench of this Court while disposing MAT 962 of 2014 (Sahadeb Mondal vs. The State of West Bengal & Ors.) while setting aside the order of the coordinate Bench dated 21.04.2014 as passed in WP 7907 (W) of 2014 directed the concerned authority to consider the

application filed by the writ petitioner for grant of mining lease.

5. It is submitted that in terms of the said order dated 22.12.2014 as passed by the Division Bench of this Court, the respondent no.5/authority under cover of a letter dated 05.07.2016 asked the writ petitioner to submit environmental clearance for grant of lease as prayed for by the writ petitioner. It is submitted that despite filing of requisite numbers of map with the respondent no.5/authority such maps were not vetted by the respondent no.5/authority. Consequently, the writ petitioner could not submit the environmental clearance certificate for want of the vetted map to be done by the respondent no.5/authority.
6. Per contra, Mr. Dhar, learned senior counsel appearing on behalf of the respondents/State draws attention of this Court to the report dated 07.07.2025 as submitted before this Court today. It is submitted that from Annexure – 'E' of the report as submitted today, it would reveal that another coordinate Bench by its order dated 22.08.2017 as passed in W. P. 5141 (W) of 2017 (Sahadeb Mondal vs. The State of West Bengal & Ors.) while dismissing the writ petition granted liberty to the writ petitioner to file a fresh application before the concerned officer by enclosing a map prepared by a qualified person.
7. In his next limb of submission, Mr. Dhar contended that though the writ petitioner submitted 7 copies of blue- print before the District Magistrate/ Bankura for

obtaining approval for getting environmental clearance, however, on account of repeal of West Bengal Minor Minerals Rules, 2002 (hereinafter referred to as the “said Rules of 2002”) and on account of coming into force of West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as the “said Rules of 2016”), those blue-print map cannot be considered since no letter of intent was issued in favour of the writ petitioner in the meantime.

8. Mr. Dhar at this juncture draws attention of this Court to Rule 61 of the said Rules of 2016. It is submitted by Mr. Dhar that in view of the provision of Rule 61 of the said Rules of 2016 the writ petitioner is not entitled to the relief has prayed for.
9. Mr. Saha, learned Advocate appearing on behalf of the WBMDTCL supports the contention of Mr. Dhar.
10. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court considers that for effective adjudication of the instant *lis* Rule 61 of the said Rules of 2016 is required to be looked into and the same is quoted hereinbelow in verbatim:

***“61. Declaration of ineligibility of the pending minor mineral applications for mining lease including the applications of reclassified major minerals.- All applications for mining lease of minor minerals including the reclassified minor minerals vide SO No. 423 (E) dated 12<sup>th</sup> February, 2015***

*received prior to the giving-effect to this rules irrespective of its duration of pendency shall become ineligible.*

*Provided that if the applicant has been issued a Grant Order or Letter of Intent (LoI) or any other Government Order requiring the alteration of applicant's position then his mining lease application may be considered after due compliance of all the necessary conditions."*

11. Keeping in mind the aforementioned legislative provision if I look to the factual aspects of this case it reveals that the writ petitioner's application for grant of long term mining lease was submitted when the said Rules of 2002 was in force.
12. Admittedly with the enactment of the said Rules of 2016 the said Rules of 2002 stood repealed.
13. At this juncture, if I again look to Rule 61 of the said Rules of 2016 it reveals that it has been categorically mentioned in the said Rules that all applications for mining lease for minor minerals received prior to the enactment of Rules of 2016 would become ineligible except where the applicant was issued with 'grant order' or 'letter of intent' (LoI) as has been mentioned in the proviso to the said Rules.
14. As rightly pointed out by Mr. Dhar and Mr. Saha that though the writ petitioner applied for long term mining lease under the said Rules of 2002, however, with the enactment of said Rules 2016 such application becomes ineligible. No materials could be placed before this Court that prior to the repealing of the said

Rules of 2002 either any 'grant order' or 'LoI' was issued in favour of the writ petitioner.

15. Such being the position, this Court is constrained to hold that the writ petitioner is not entitled to the relief as prayed for.
16. With the aforementioned observation, the instant writ petition being WPA 11005 of 2025 is dismissed.
17. However, there will be no order as to costs.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Partha Sarathi Sen, J.)**