

24.04.2025
SL No.34
Court No.24
Ali

WPA 25043 of 2016

**Uma Shankar Singh
Versus
The State of West Bengal & Ors.**

Mr. Subhas Chandra Atha
..... for the petitioner.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
.... for the State.

Supplementary affidavit filed on behalf of
the petitioner is taken on record.

Since the earlier learned counsel
appearing on behalf of the State respondent is not
representing today. Thus, the copy of affidavit-in-
opposition is taken on record for disposal of the
instant writ petition.

Petitioner approached the concerned
authority for granting mining lease of sand over
Plot No. 1(P), J.L. No. 166 in Mouza-Pahariya, P.S.
& Dist.-Bankura for an Area of 3.10 acres.

Initially his prayer was turned down by the
concerned authority. He approached this Court. A
Coordinate Bench of this Court in Writ Petition No.
W.P.-26424(W) of 2014, vide order dated
18.09.2014 has directed the authority concerned
to issue lease in favour of the petitioner.

Accordingly, the concerned authority has accepted the proposal of the petitioner and issued a memo dated 29th of April, 2016 requiring the petitioner to comply with the required formalities for execution of a lease Deed. In terms of such direction, he submitted provisional fees for preparation of draft Deed. Thereafter, the draft Deed of lease was approved, for registration of the lease Deed. The concerned authority again asked the petitioner to make a security deposit; the said securing deposit has already been deposited but the concerned authority had not executed or register the Deed.

However, the authority concerned has informed the petitioner that by virtue of a decision of Hon'ble Apex Court dated 27th of February, 2012 in Special Leave Petition (C) No. 19628-19629 of 2009 as well as order dated 19th of April, 2016 passed by the Hon'ble National Green Tribunal, Eastern Zone in OA No. 59/2015/EZ the petitioner had to submit the Environment Clearance Certificate from MoEF & C.C./DEIAA/SEIAA for the purpose of preparation of mining lease of sand. In terms of such direction, the petitioner has placed the Environment Clearance Certificate from the District authority.

The concerned respondent authority did not acted upon the prayer of the petitioner; hence this writ.

It is the contentions of the learned counsel appearing on behalf of the State respondent that the certificate issued by the District authority is not the required certificate for issuance of such lease.

Learned counsel for the petitioner also admitted the fact that the certificate issued by the District authority is not the required certificate at present.

Learned counsel for the State respondent has also placed a memo No. 1283/1C-02/2016 dated 30th September, 2020 issued by the Government of West Bengal, Department of Environment containing, inter alia, the procedure to be obtained for Environment Clearance Certificate for sand/brick-earth mining for brick kilns. The said memo placed on record at page 58 of the affidavit-in-opposition of the State respondents.

Having heard the learned counsel for the parties and also considering the memo dated 30th September, 2020 issued by the Government of West Bengal, Department of Environment, it appears that the petitioner had to approach the appropriate authority by obtaining the procedure

as enumerated in the memo dated 30th September, 2019 for obtaining Environment Clearance Certificate.

Under the above observations, the instant writ petition is disposed of with a direction to the petitioner to apply for Environment Clearance Certificate through "**Privesh Portal**" of the Ministry of Environment, Forest and Climate Change, Government of India within a period of fortnight from date. If such application is made by the petitioner to the concerned authority shall dispose of the same by issuance of such certificate, according to the law, to the petitioner within three weeks thereafter.

After receiving such Environment Clearance Certificate the petitioner is at liberty to submit the same Environment Clearance Certificate to the concerned respondent authority for granting mining lease of sand in the relevant area. Since the matter is pending long, the respondent authority concerned is directed to conclude the proceeding for execution of the Deed within four weeks from the date of submission of Environment Clearance Certificate by the petitioner after giving the petitioner a reasonable opportunity of being heard in accordance with the law.

Under the above observations, the writ petition being **WPA 25043 of 2016** is disposed of.

All Connected applications, if pending are also disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)