

WPA 6229 of 2022

Bisajit Koley
Vs.
The State of W.B. & Ors.

Mr. Susanta Kumar Rakshit ...for the petitioner.

Mr. Ashim Kr. Ganguly
Ms. Karabi Roy ...for the State.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on December 14, 2021 in WPA 24071 of 2019 directing the concerned authority to consider and dispose of the representation submitted by the petitioner on 17th December, 2019 on merits within two months from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner in accordance with law, the matter was taken up for consideration by the District Magistrate, Bankura who by an order passed on 4th March, 2022, turned down the prayer of the petitioner citing Rule 62 (2) of the West Bengal Minor Minerals Rules, 2016 and the notification published by the Government of West Bengal, Department of Industry, Commerce and Enterprises on 30th July, 2021. The said order is assailed in the writ petition.

The order under challenge is amenable to appeal under Rule 51 of the West Bengal Minor Mineral Concession Rules, 2016, hereinafter referred to as 2016 Rules.

In view of the above, the writ petition is dismissed as not maintainable. However, the petitioner is granted liberty to approach the appropriate forum under Rule 51 of the 2016 Rules within 7 days from the date of receipt of certified copy of the order impugned.

In the event the petitioner prefers the appeal within the said time frame, the appellate forum shall consider the same on merits and dispose of the appeal in accordance with law.

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

(Suvra Ghosh, J.)