

05.07.2023
rc/ct.no.10
Item No.28

WPA No. 11434 of 2023
Rahim Mallick
Versus
The State of West Bengal & Ors.

Mr. Rama Chakraborty
Mrs. Ipsita Ghosh ...for the petitioner

Mr. Sanjay Saha
Mr. Subhasish Bhattacharya
 ...for the WBMDTC Ltd.

Mr. Priyabrata Batabyal ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Priyabrata Batabyal, learned advocate, who usually appears on behalf of the State-respondents and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. Batabyal in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. Batabyal in course of this day.

The order passed by the Additional District Magistrate & District Land and Land Reforms Officer, Purba Bardhaman on March 21, 2023 is under challenge in this writ petition.

The said order amenable to appeal under Rule 51 of The Minor Minerals Concession Rules, 2016.

In view of the above, the writ petition being WPA No. 11434 of 2023 is dismissed, being not maintainable.

However, liberty is granted to the petitioner to prefer a statutory appeal against the order impugned before the appellate authority in accordance with law.

In the event the petitioner prefers the appeal within three weeks from date, the appellate authority shall deal with the appeal on merits without dismissing the same on the ground of limitation.

There shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)