

W.P.A. 12893 of 2023

**Ashok Kumar Saha
Vs.
The State of West Bengal & Ors.**

Mr. Jayanta Samanta
Ms. Karunamoyee Samanta

....for the petitioners

Mr. Sanjay Saha

...for the WBMTDC Ltd

Mr. Jahar Dutta
Mr. Bipin Ghosh

...for the State

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

The petitioner had challenged the impugned order dated **May 18, 2023** at **page 75** of the writ petition passed by the respondent no. 4.

In terms of **Rule 51** of the **West Bengal Minor Minerals Concessions Rules, 2016** the said order is an appealable one.

In view of the alternative efficacious remedy being there under the statute, this Court is of the opinion that a properly constitute the appeal should be the appropriate remedy for considering the issue involved in this writ petition.

It is made clear that this Court has not gone into the merits of the claim of the writ petition in any manner and

the appellate authority shall decide the issue strictly in accordance with law and without being influenced by any observations made by this Court, if any. The parties to the appeal shall be free to urge whatever the points they wish to urge by relying upon whatever documents they wish to rely upon before the Appellate forum.

With the above observations, this writ petition **WPA 12893 of 2023** stands disposed of.

In the event the petitioner prefers the appeal the appellate authority shall decide the same in accordance with law positively within a period of **6 (six) months** from the date of presentation of the memorandum of appeal before the appellate authority.

(Aniruddha Roy, J.)