

August 29, 2023

ARDR (7)

WPA 19976 of 2023

Subrata Dey

Vs.

The State of West Bengal & ors.

Adv. I. Basu,
Adv. Joy Chakraborty,
Adv. Sandip Dinda

...for the petitioner.

Adv. Sanjay Saha,

...for the respondent no.2.

Adv. Chandi Charan De,
Adv. Reshma Chatterjee,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

The order passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman on 26th May, 2023 is under challenge in the writ petition. The said order is amenable to appeal under Rule 51 of the West Bengal Minor Minerals Concessions Rules, 2016.

In view of the above, the petitioner seeks to withdraw the writ petition and prefer a statutory appeal before the appropriate forum.

The writ petition is accordingly dismissed for non-prosecution.

Liberty is granted to the petitioner to prefer a statutory appeal before the appropriate forum.

In the event the petitioner prefers the appeal within ten days from date, the appellate authority shall

deal with the appeal on merits without dismissing the same on the ground of limitation.

It is pertinent to mention that the learned counsel for the 2nd respondent submits that upon receipt of the report to the effect that the plots are free from all encumbrances, the said plots are put on auction. As on date the plot in respect of which lease was granted in favour of the petitioner has not been put on auction.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)