

WPA 13096 of 2022

Mintu Roy
Vs.
The State of W. B. & Ors.

Mr. Kaushik Chowdhury ...for the petitioner.

Mr. Sanjay Saha ...for WBMDTCL.

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

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition along with all annexure thereto to Mr. De in course of this day.

Pursuant to an order passed by this Court on 20th April, 2022 in WPA 2713 of 2022 directing the concerned authority to consider the representation submitted by the petitioner for extension of the period of lease, the concerned authority, being the District Magistrate, Dakshin Dinajpur considered the said representation and by an order passed on 12th May, 2022, turning down the request of the petitioner. The said order is assailed in the writ petition.

The order impugned is amenable to appeal under Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016.

The petitioner seeks to withdraw the writ petition and take appropriate steps before the appellate authority for redressal of his grievance.

In view of the above, the writ petition being WPA 13096 of 2022 is dismissed for non-prosecution.

Liberty is granted to the petitioner to approach the appellate authority for redressal of his grievance. In the event the petitioner prefers statutory appeal within two weeks from date, the appellate authority be directed to consider the appeal filed by the petitioner on merits without dismissing the same on the ground of limitation.

There shall, however, be no order as to costs.

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

(Suvra Ghosh, J.)