

Court No. 2

29.8.2024

(Item No. 43)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 20505 of 2023

Sri Santanu Pratihar

VS

The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay

Mr. Nabhajit Prasad Basu

Mr. Manoj Kumar Mondal

.... For the petitioner

Mr. Sanjay Saha

.... For respondent Nos. 2 & 3

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

Mr. Sanjib Bandyopadhyay, learned advocate appears for the petitioner.

Mr. Sanjay Saha, learned advocate appears for respondent Nos. 2 and 3.

The petitioner is a mining lease holder seeks to challenge the impugned order dated **January 13, 2023** at **page 99** to the writ petition passed by the respondent No. 4. On perusal of the said impugned order it appears to this Court that, the same is appealable under **Rule 51 of the West Bengal Mining Minerals Concession Rules, 2016**.

Considering the issue involved in this writ petition it appears to this Court that, statutory appeal as provided under the said 2016 Rules is the appropriate, speedy, efficacious remedy left open to the petitioner and it is not a case where this constitutional Court in exercise of its high prerogative writ jurisdiction shall entertain this writ petition.

In view of the above, this writ petition **W.P.A. 20505 of 2023** stands **dismissed**, without any order as to costs.

However, the petitioner shall be at liberty to prefer appeal from the impugned order under **Rule 51 of the said 2016 Rules** before the jurisdictional statutory appellate authority positively within a period of **two weeks** from date.

It is made clear that, this Court has not gone into the merits of this writ petition and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the appellate authority.

In the event, such appeal is filed, the appellate authority shall proceed with the same and come to its logical conclusion in accordance with law as expeditiously as possible but positively within a period of **three months** from the date of filing of the appeal without granting any unnecessary adjournments to the parties.

It is needless to mention that, the parties to the Said appeal shall be afforded an opportunity of hearing.

It is further made clear that, the appellate authority while disposing of the appeal shall not be influenced by any observation made by this Court and shall proceed with the appeal on the basis of its own

merit by applying its independent mind in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)