

Item No.18
04.04.2025
Court. No. 236
GB

W.P.A. 6550 of 2025

M/s. Rural Dev. & Marketing Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee,
Mr. Rajdeep Pramanik

...for the Petitioner.

Mr. Chandi Charan De, Ld. A.G.P.,
Ms. Reshmi Chatterjee

...for the State.

1. Affidavit-of-service as filed today is taken on record.
2. In Course of hearing learned advocate for the writ petitioner at the very outset draws attention of this Court to page nos.64 and 65 of the instant writ petition being the copies of two orders dated April 18, 2023 and May 4, 2023 as passed by the Commissioner, Burdwan Division and appellate authority under Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as the 'said Rules of 2016').
3. It is submitted that while disposing an appeal as preferred by the instant writ petitioner under Section 51 of the said Rules of 2016, the said Commissioner directed the District Magistrate, Birbhum to conduct a rehearing by himself and dispose of the matter as early as possible regarding petitioner's claim for refund of his money which he had already deposited as an instalment of total lease rent pursuant to an e-auction.

4. It is the grievance of the writ petitioner that despite passing such order by the said Commissioner, the District Magistrate, Birbhum, who is the respondent no.3 herein has not heard the said matter afresh.
5. Mr. De, learned Additional Government Pleader submits before this Court that an appropriate order may be passed directing the respondent no.3 to dispose of the proceeding within a stipulated period.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties this Court finds sufficient merit in the submission of the learned advocate for the writ petitioner.
7. In view of such, while disposing the instant writ petition this Court directs the respondent no.3, that is, the District Magistrate and Collector, Birbhum to comply with the order dated May 4, 2023 as passed by the Commissioner, Burdwan Division and appellate authority under Rule 51 of the said Rules of 2016 forthwith and he is further directed to rehear the matter as directed after giving an opportunity of hearing to the writ petitioner and all concerned and thereafter to pass a reasoned order and shall communicate the same to the writ petitioner soon thereafter.
8. It is further ordered that entire exercise as indicated in the foregoing paragraph is to be completed within

thirty working days from the date of communication of this order.

9. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no.3 for his due compliance.
10. The respondent no.3, the District Magistrate and Collector, Birbhum is directed to act on the server copy of this order.
11. With the aforementioned observations the instant writ petition is disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)