

Court No. 19

(265719)

19.11.2025

(AD 3)

(S. Banerjee)

WPA 25529 of 2025

Anil Kumar

Vs.

The State of West Bengal & Ors.

Mr. Rabiul Islam
Mr. K. M. Hossain
Mr. Samim ul Bari
Mr. Sk. Jayed Hossain
Mr. Kazi Ardan Ali
Mr. Mayukh Saha

...for the petitioner

Ms. Sonal Sinha
Mr. Sandipan Das

...for the respondent no. 6

Mr. Samrat Sen, Ld. AAG
Mr. Saikat Chatterjee
Mr. Sanjay Saha

...for the respondent no. 7

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

The order of the Additional District Magistrate
and District Land and Land Reforms Officer, Bankura
dated September 19, 2025 is under challenge in this
writ petition.

Mr. Sen, learned Senior Advocate, raises a
preliminary objection as to the entertainability of this
writ petition in view of existence of an alternative

appellate remedy under Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016.

In reply to the preliminary objection raised by Mr. Sen, learned advocate appearing for the petitioner submits that the writ petitioner has approached this court since the decision of the authority travelled beyond the scope of the show-cause notice. In support of such contention, learned advocate appearing for the petitioner draws the attention of the court to the show-cause notice and a portion of the order of the authority concerned.

In reply, Mr. Sen, learned Senior Advocate, submits that the issue raised in the show-cause notice was exclusively dealt with in the order under challenge and in course of hearing before the authority certain other issues were raised by the authorities which were also considered and decided by the impugned order.

After a cursory glance of the impugned order this court is of the prima facie view that the issue(s) raised in the show-cause notice have been considered by the authority while passing the order impugned.

At this stage learned advocate appearing for the petitioner, on instruction, prayed for leave to

withdraw this writ petition with liberty to approach the appellate forum in accordance with law.

Learned advocate appearing for the petitioner submits that in the meantime the period of limitation for preferring an appeal under Rule 51 of the Rules has expired and this court should condone the delay.

Such prayer is vehemently opposed by Mr. Sen, learned Senior Advocate. He submits that the authority has the power to entertain an appeal even after the specified time limit upon sufficient grounds being shown for not preferring the appeal within the prescribed period.

In the light of the submissions made by the learned advocate appearing for the petitioner, this writ petition stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.

It will be open to the petitioner to pray for extension of time/condonation of delay in preferring the appeal and if such a prayer is made, the appellate authority shall consider the same sympathetically and in accordance with law.

It is, however, made clear that the observations made hereinbefore are only prima facie observation

while considering the issue of entertainability of this writ petition. Needless to mention that if the appropriate forum is approached, such authority shall decide the appeal independently without being swayed by any of the observations recorded hereinbefore.

(Hiranmay Bhattacharyya, J.)