

N.22Sl
151/CL

WPA 28994 of 2024

Surendra Kumar Kochar

-vs-

The State of West Bengal & Ors.

22.09.2025
SL-08
Ct.19
(S.R.)

Mr. Sabir Ahmed
Mr. Subhojit Seal
Mr. Quazi Ezaz Ahmed ... for the petitioner.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
Ms. Priyamvada Singh ... for the State.

Mr. Sanjay Saha
Mr. Raju Mondal ... for the respondent no.7.

1. The subject matter of the instant writ petition is the order dated 29.01.2024 as passed in Case No. M&M/17 of 2023 by the respondent no.4/authority pursuant to a direction passed by a Coordinate Bench of this Court on 13.10.2023 while disposing WPA 24087 of 2023.
2. After hearing the learned advocates for the contending parties, it reveals that in the earlier round of litigation, the grievance of the writ petitioner was for non-consideration of his representation dated 01.11.2022 by the respondent authorities, which was a prayer for extension of the grant of the period of lease.
3. It appears that by the order, under challenge dated 29.01.2024, the respondent no.4/authority after considering the entire materials as placed before

him rejected the writ petitioner's prayer for extension of the period of grant of lease deed ignoring the *force majeure* clause of the original lease deed.

4. In course of his argument, Mr. Ahmed, learned advocate appearing on behalf of the writ petitioner contended that since the order under challenge dated 29.01.2024 was passed by the respondent no.4/authority in utter violation of the previous order dated 13.03.2023, as passed by a Coordinate Bench of this Court in WPA 24087 of 2023, this Court should entertain the instant writ petition for granting the relief/reliefs, as prayed for.
5. Such contention is vehemently opposed by Mr. De, learned Additional Government Pleader appearing for the State and Mr. Saha, learned advocate appearing on behalf of the respondent n.7/authority by stating that Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as the 'said Rules of 2016', in short) mandates that, in the event, any person is aggrieved by an order passed by the respondent no.4/authority, he has to prefer an appeal before the Additional Commissioner.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it

appears to this Court that, admittedly, the order under challenge was passed by the respondent no.4/authority whereby and whereunder, the said respondent no.4/authority rejected the writ petitioner's prayer for extension of the term of mining lease, as has been executed in favour of him.

7. As rightly pointed by Mr. De and Mr. Saha that Rule 51 of the said Rules of 2016 clearly mandates that an appeal shall have to be preferred against the order of the respondent no.4/authority, if the writ petitioner feels aggrieved, at all, with such order.
8. In view of such availability of alternative efficacious statutory remedy, this Court finds no reason to entertain the instant writ petition, especially, when no case has been made out on behalf of the writ petitioner that the impugned order is passed by an authority, who has no jurisdiction to pass it and/or while passing the impugned order the respondent no.4/authority had violated the principle of natural justice.
9. Such proposition of law has been elaborately discussed in the reported decision of **UP State Spinning Co. Ltd. V. R.S. Pandey & Anr.**, reported in **2005 (8) SCC 264**.
10. In view of the discussions made in the forgoing paragraphs, this Court finds no merit in the instant

writ petition.

11. Accordingly, WPA 28994 of 2024 is hereby dismissed.
12. It is further made clear that while disposing the instant writ petition, this Court has not gone into the factual merits, as involved in the instant writ petition.
13. Before parting with, it is, however, made clear that since the writ petitioner is perusing his remedy before a wrong forum, this Court while disposing the instant writ petition grants liberty to approach the appropriate authority in appeal, if so advised, on the self-same cause of action and, in the event, such appeal is filed within 45 working days from today, the appellate authority/appropriate authority shall consider such appeal within the period of limitation.
14. There shall, however, be no order as to costs.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)