

Court No. 19
(265719)

14.01.2026
(AD 12)
(S. Banerjee)

WPA 271 of 2026

Rakhi Saha
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee

...for the petitioner

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Himadri Kumar Mahata

...for the State

Mr. Sanjay Saha
Mr. Raju Mondal

...for the respondent no. 7

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

The petitioner has challenged the order of the
Additional District Magistrate and District Land and
Land Reforms Officer, Purba Bardhaman dated
October 30, 2023 in this writ petition.

Learned advocate appearing for the West Bengal
Mineral Development and Trading Corporation
Limited ('WBMDTCL', for short), being the 7th
respondent, raises an objection as to the
maintainability of the instant writ petition in view of
availability of an appellate remedy provided under

Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016 ('the 2016 Rules', for short).

After some argument, learned advocate appearing for the petitioner prays for leave to withdraw this writ petition with liberty to approach the authority under Rule 51 of the 2016 Rules.

Though the writ petition has been filed on January 5, 2026, learned advocate appearing for the petitioner submits that in the meantime the husband of the petitioner, who was the original lessee, passed away and for such reason there was some delay in approaching this Court.

Learned advocates representing the 7th respondent and the learned advocate appearing for the State-respondent do not oppose the prayer for condonation of delay.

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of the submission made by the learned advocate appearing for the petitioner, this writ petition stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.

Accordingly, the petitioner is permitted to prefer an appeal under Rule 51 of the 2016 Rules within a

period of three weeks from the date of receipt of a server copy of this order.

In the event the appeal is presented within the aforesaid time limit, the same shall be considered on its merit without dismissing the same on the ground of limitation. The said appeal shall be disposed of by the appellate authority as expeditiously as possible but preferably within a period of 12 weeks from the date of filing of the appeal.

(Hiranmay Bhattacharyya, J.)