

Court No. 19

(265719)

14.01.2026

(AD 13)

(S. Banerjee)

WPA 303 of 2026

Asraful Islam Khan

Vs.

State of West Bengal & Ors.

Mr. Robiul Islam

Mr. Masooq Rahman

...for the petitioner

Ms. Sanghamitra Nandy

Ms. Kalpita Paul

...for the State

Mr. Sanjay Saha

Mr. Raju Mondal

...for the respondent no. 3

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, Paschim Medinipur dated December 5, 2023 in this writ petition.

Learned advocate appearing for the West Bengal Mining Development and Trading Corporation Limited ('WBMDTCL', for short), being the 3rd 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.

Learned advocate appearing for the petitioner submits that though the order under challenge in this writ petition is dated December 5, 2023, such order was communicated to the petitioner only under a covering letter dated November 26, 2025 pursuant to a direction passed by this Court on November 17, 2025 in WPA 2580 of 2025.

Thus, the petitioner was prevented by sufficient cause for not taking appropriate steps within the time limit specified under Rule 51 of the 2016 Rules.

Learned advocates representing the 3rd respondent and the learned advocate appearing for the State do not oppose the prayer for condonation of delay in the facts of the instant case.

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of the submission made by the learned advocate appearing for the petitioner, this writ petition stands dismissed as withdrawn with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.)