

Court No. 19
(265719)

06.04.2026
(A 15)
(S. Banerjee)

WPA 14756 of 2025

Mithun Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Haradhan Mondal

...for the petitioner

Mr. Ayan Banerjee
Mr. Tapas Kumar Mondal

...for the State

Mr. Banerjee, learned advocate appearing for the State raises an objection as to the maintainability of the writ petition challenging the order dated February 12, 2025 passed by the District Land and Land Reforms Officer, Murshidabad on the ground of availability of an alternative appellate remedy under Rule 51 of the West Bengal Minor Minerals Concession Rules, 2016.

Faced with such situation, learned advocate appearing for the petitioner prays for leave to withdraw this writ petition and to approach the appellate authority.

Learned advocate appearing for the petitioner, however, submits that in the meantime the period of limitation has expired and the petitioner may be granted some protection in that regard.

After going through the provisions as laid down under Rule 51 of the 2016 Rules, this Court finds that the period of limitation for preferring an appeal is 30 days from the date of communication of the order and the appellate authority also has the power to condone the delay in presenting the appeal before the appellate authority.

However, taking note of the fact that the petitioner filed this writ petition immediately after the order was passed by the District Land and Land Reforms Officer and the writ petition was pending before this Court for a substantial period of time, this Court is inclined to grant liberty to the petitioner to prefer the appeal within 30 days from the date of receipt of a server copy of this order.

If the appeal is presented by the petitioner within the time limit mentioned hereinbefore, the appellate authority shall consider the same on merits instead of dismissing the same on the ground of limitation.

With the above observations this writ petition stands disposed of.

It is, however, made clear that this Court has not gone into the merits of the claims made by the petitioner in the writ petition and all points are left

open to be decided by the appellate authority in accordance with law.

(Hiranmay Bhattacharyya, J.)