

D/L
Item No. 17
08.02.2022
KOLE

**MAT 835 of 2021
With
IA No. CAN 1 of 2021**

**Sri Sushil Kumar Mallick & Ors.
-Vs.-
The State of West Bengal & Ors.**

*Mr. S. Bhattacharjee,
Mr. Ali,*

...for the appellants.

*Mr. T. M. Siddiqui,
Mr. A. Mondal,
Mr. D. Ghosh,*

...for the State.

By consent of the parties the appeal and the application are taken up for hearing together.

This appeal is preferred against a judgment and order dated July 14, 2021 whereby WPA 8881 of 2021 was dismissed.

The writ petitioners had approached the learned Single Judge with the grievance that compensation money in connection with L.A. Case no. 1 of 1995-96 was not being paid by the respondents to them. The learned Judge recorded that the entire compensation money was lying with the Appropriate Authority and there was no scope for passing any order against the said respondents. It was further observed that : “the disputes by and between the petitioner and the private respondents cannot be the subject matter of a writ court.” The petitioners were granted liberty to take appropriate steps in accordance with law.

Appearing for the appellants, Mr. Ali, learned Advocate submits that there is an error apparent on the face

of the order. There were no private respondents in the writ petition. All seven respondents are official respondents.

Mr. Siddiqui, Learned Advocate representing the State also fairly admits that there seems to be some confusion.

We have seen the writ petition. No private party was impleaded as respondent. The only basis for the learned Single Judge not to pass any order on the writ petition was existence of alleged disputes between the writ petitioners and private respondents when, in fact, there were no private respondents in the writ petition.

In view of the aforesaid, we are constrained to set aside the order under appeal and remand the matter back to the learned Single Judge having determination in the matter to decide the writ petition afresh.

The report in the form of affidavit filed by the State has been kept with the records. The writ petitioners/appellants would be at liberty to file exception to such report before the learned Single Judge if, they are so advised. We have not gone into the merits of the matter at all.

The appeal, being no. MAT 835 of 2021 and the connected application, being no. CAN 1 of 2021 are accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)