

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

MAT 828 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

The State of West Bengal and Ors.
Vs.
Smt. Bula Dhali and Anr.

For the appellants : Mr. Jayanta Samanta, Ld. Junior Govt. Adv.
Mr. Indumouli Banerjee

For the respondent
no. 1 : Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das

Heard on : August 13, 2025.
Judgment on : August 13, 2025.

Sabyasachi Bhattacharyya, J.:

1. CAN 1 of 2025 is an application for condonation of delay in preferring the appeal. Having heard learned counsel, we are satisfied that sufficient reason for the delay has been made out and accordingly, CAN 1 of 2025 is allowed on contest, thereby condoning the delay in filing the appeal.
2. Learned counsel for the State/appellants submits that although a supplementary affidavit has been prepared pursuant to the previous direction of this court, the same is not with him and seeks some more time to file the same. However, we find that the direction was given as long back as on June 3, 2025 and as yet no copy thereof has been served on the respondents. Thus, the prayer for extension of time to file such supplementary affidavit is refused.
3. Learned counsel appearing for the respondents points out that there is no merit in the appeal at all. It is submitted that by the impugned order, the learned Single Judge merely directed the disposal of a representation of the writ petitioners/present respondents and to assess as to whether a particular plot of land has been utilized by the Public Health Engineering Department for construction under the Sankrail Water Supply Scheme and if so utilized, to pass further directions.

4. Upon hearing learned counsel for the parties, we find that the impugned order is not amenable to an intra-court appeal under the Letters Patent of this court, since no rights of either of the parties have been decided at all and thus, the same does not come within the definition of “judgment”, which is a pre-requisite for an order to be challenged in an intra-court appeal.
5. The innocuous nature of the impugned order is merely a direction on the Executive Engineer of the Public Health Engineering Directorate, Howrah Division to assess whether LR plot no. 188 measuring about 0.03 acres of land has been utilized by the said department for construction under the Sankrail Water Supply Scheme and if found to have been so utilized or for allied purpose, the Executive Engineer is to directly send the proposal for acquisition upon giving the petitioners an opportunity to produce the documents in support of their claim, under the provisions of the appropriate statute.
6. It further transpires that the present application has been mentioned for enlistment in the teeth of a contempt proceeding taken out by the writ petitioners/present respondents for non-compliance of the said order of the learned Single Judge.

7. Upon a bare perusal of the impugned order of the learned Single Judge, for the reasons as recorded above, we find that there is no scope of interference in the appeal. Whatever contention is sought to be raised now by the respondents/appellants, to the tune that the said land does not exist at all, (which is disputed by the writ petitioners/respondents), could very well have been reflected in the reasoned decision taken by the present appellants in their consideration of the representation as per the direction of the learned Single Judge.
8. Thus, for the reasons as stated above, MAT 828 of 2025 along with CAN 2 of 2025 are dismissed without any order as to costs, thereby affirming the impugned order.
9. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)