

MAT/1717/2024
STATE OF WEST BENGAL AND ORS
VS
SAKTI SADHAN PAUL AND ORS

IA NO: CAN/1/2024, CAN/2/2024

Mr. K. J. Yusuf, AGP
Mr. Rezaul Hossain, Advocates
... .. For the Appellant/State

Mr. Krishna Deo Das, Advocate
... .. For the Respondents

1. CAN 1 of 2024 is an application for condonation of delay. For the ends of justice, causes shown in the application for condonation of delay are accepted as sufficient. Delay in making and filing the application is condoned.
2. CAN 1 of 2024 is **allowed**.
3. Appeal is directed against the judgment and order dated June 15, 2023 passed by the learned Single Judge in WPA 5095 of 2015.
4. Writ petitioner/private respondents before us claimed to be entitled to compensation as co-owners of the plot acquired.
5. Acquisition of the plot is not disputed either by the appellants or the private respondents. Appellants do not claim that compensation is not payable.
6. However, as to what quantum of compensation is receivable by the private respondents in view of the disputes amongst private privates as to their entitlement is yet to be decided.
7. Learned Single Judge directed the Executive Engineer, Howrah Public Health Engineering

Department to decide the issue of the entitlement of the private respondents, if any.

8. With respect, we are unable to agree to such a view. Civil disputes between the private parties are to be decided by a civil Court of competent jurisdiction. Executive Engineer cannot be vested with the jurisdiction which law does not vest on him, by the Court.
9. In such circumstances, the impugned judgment and order dated June 15, 2023 is set aside.
10. The writ petitioners/private respondents are at liberty to avail of their remedy before the appropriate forum, in accordance with law.
11. MAT/1717/2024 along with the connected application are **disposed of** accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)