

Item- 03-12-2025
9.

WPA 26128 of 2025

sg Ct. 19

Nayan Ghosh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Swapan Kr. Kar
MR. Debasis Sur
...for the petitioners
Mr. Sk. Md. Galib
Mr. Tamal Taru Panda
...for the State

Affidavit of service filed in Court today is taken on record.

Sk. Md. Galib, learned Senior Government Advocate raises an objection as to the maintainability of this writ petition at the instance of 16 writ petitioners.

Faced with such situation, Mr. Tanmoy Mukherjee, learned Advocate appearing for the petitioners prays for leave to deposit the balance court fees.

Such prayer is allowed. Let the deficit court fees be deposited by 5th December, 2025.

If the deficit court fees is not deposited within the time limit as indicated hereinbefore, the writ petition shall stand dismissed insofar as the petitioner nos. 2 to 16 are concerned.

The petitioners claim to be the recorded owners of LR plot nos. 342, 344, 1009, 1010, 1017, 341, 310, 311, 340, 315, 329 and 314, within Mouza Balidanga, J.L. No. 96, under Police Station Kaliganj in the District of Nadia. The petitioners allege that the aforesaid plots of the petitioners were utilized for the purpose of construction of the

embankment to prevent flood sometime in the year 1997 as some portion of the embankment got damaged due to flood. The petitioners claim to have submitted a representation dated March 28, 2025 before the Executive Engineer, Nadia Irrigation Division, Krishnanagar, being the respondent no.7.

Mr. Mukherjee submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities to disburse the compensation amount to the petitioners.

Mr. Galib submits that the question of payment of compensation would arise only if the plots of the petitioners have been utilized for any public purpose. He further submits that some time be given to the authorities to consider the issues raised in the representation and to take a decision on the same.

After hearing the learned Advocates for the respective parties, WPA 26128 of 2025 stands disposed of by directing the Executive Engineer, Nadia Irrigation Division, Krishnanagar, being the respondent no.7, to consider the representation of the petitioners dated 28th March, 2025, which is annexed at page 52 of this writ petition, and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to an authorized representative of the petitioners and communicate the reasoned order to such authorized representative as expeditiously as possible but positively within a period of eight weeks from the date of receipt of the server copy of this order along with a copy of the representation dated 28th March, 2025.

In the event it is found that the properties of the

petitioners have been utilized, steps in accordance with law shall be taken immediately thereafter.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)