

Item-
15. 27-11-2025

WPA 26961 of 2025

sg Ct. 19

Kanailal Bhowmick @ Kanai Bhowmick
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Ms. Paulami Chakraborty
Mr. Samrat Chakraborty
...for the petitioner
Mr. Chandi Charan De, AGP
Ms. Chandana Ghosh
...for the State

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

The petitioner claims to be the recorded owner of LR plot No. 188, within Mouza Bagdanga, J.L. No. 15, under Police Station Namkhana now Fresergunj Coastal.

The petitioner alleges that the aforesaid plot of the petitioner has been utilized for carrying out emergent flood protective work at the said locality. The petitioner submitted a representation before the concerned respondent authority and alleging inaction on the part of such authority, approached this Court by filing a writ petition, being WPA 20865 of 2023, which was disposed of by an order dated 10th April, 2024 by directing the concerned respondent authority to consider and dispose of the representation submitted by the petitioner in accordance with law within the time limit mentioned therein after affording reasonable opportunity of hearing to all concerned including the petitioner.

Mr. Partha Pratim Roy, learned Advocate appearing for the petitioner submits that, pursuant to the order passed by

the coordinate Bench, a notice of hearing was served upon the petitioner and the petitioner was asked to produce necessary documents including the consent letter for purchase of land at the proposed market rate. He submits that the petitioner duly complied with the directions contained in the letter dated 24th April, 2024.

Mr. Roy refers to the estimate for direct purchase of land of the petitioner, which is annexed at page 26 of the writ petition and submits that though the said estimate was made as far back as on May 17, 2024, but till date the said amount has not been paid. He submits that in the meantime the market rate of the plot of land has increased considerably. He further submits that the respondent authorities be directed to pay interest at the rate of 10% per annum on the aforesaid amount till the date of actual payment.

Mr. Chandi Charan De, learned Additional Government Pleader submits that some procedures are to be complied with before releasing the amount. He submits that necessary steps for releasing the said amount shall be taken within the time limit that may be fixed by this Court. He further submits that the delay was only for the purpose of compliance of certain procedural formalities and for such reason, the respondent authorities should not be saddled with interest.

Mr. De further submits that the Principal Secretary, Irrigation & Water Ways Department, Jalasampad Bhavan, Salt Lake City, being the 6th respondent, is the appropriate authority to release the payment to the petitioner.

Heard the learned Advocates for the parties and

perused the materials placed.

The petitioner claims that the property of the petitioner was utilized sometime in the year 2020-21. It appears that the estimate for direct purpose of the plot in question was prepared by the authorities on 17th May, 2024. Thus, it is evident that at the relevant point of time, the value of land as per ADSR, Kakdwip i.e. in the month of April-May, 2024 was taken into consideration. It is not in dispute that even after lapse of more than one year, the said amount has not been paid to the petitioner. Thus, the petitioner should be compensated for the delay in releasing the payment. Though the petitioner has claimed the interest at the rate of 10% per annum, but this Court feels that the interest of justice would be sub-served if the respondent authorities are directed to pay interest at the rate of 6% per annum on the amount which the petitioner is entitled to under the direct purchase policy.

In the light of the submission made by Mr. De, the Principal Secretary, Irrigation & Water Ways Department, being the respondent no.6, is directed to release the amount indicated in the estimate for direct purpose of plot of land in favour of the petitioner together with interest at the rate of 6% per annum with effect from the date of making the estimate i.e. on and from 17th May, 2024 till the date of making such payment.

The entire payment including interest shall be released as expeditiously as possible but positively on or before the end of the month of January, 2026.

All consequential steps for release of the payment

shall be taken by the respondent authorities within the time limit indicated hereinbefore.

With the aforesaid observations and directions, the writ petition being WPA 26961 of 2025 is disposed of.

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

(Hiranmay Bhattacharyya, J.)