

D/L- 19
08/04/2026
Ct. No.-19
Aritra

WPA 6389 of 2025
With
CAN 1/2025 & CAN 2/2025
Bandana Panda & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Karan
Mr. Debopriyo Karan
Mr. Souresh Mandal

....for the petitioners

Mr. Jaharlal De, AGP
Ms. Debarati Sen (Bose)

....for the State

In Re.: CAN 1 of 2025

This is an application for condonation of delay in filing the substitution application being CAN 2 of 2025. It appears from the said application that there is a delay of 152 days in filing the substitution application.

The delay has been sufficiently explained and accordingly the application for condonation of delay is allowed and disposed of.

In Re.: CAN 2 of 2025

This is an application for substitution of the petitioner No.2, namely, Janaki Rani Mondal (since deceased).

The learned advocate for the applicant submits that the petitioner No.2 died and the names of her legal heirs and successors has been mentioned in paragraph No.4 of the instant application.

Upon the death of the petitioner No.2, the right to sue survives upon his heirs and heiresses.

The Department is directed to substitute the legal heirs of the petitioner No.2 as mentioned in the paragraph 4 of the instant application in place and stead of the deceased petitioner.

Accordingly, the instant application is allowed and disposed of.

In Re.: WPA 6389 of 2025

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

The petitioners allege that the plots of land owned by the petitioners have been utilised for the purpose of construction of a ring bandh/embankment of the river Durgadwani which got destroyed due to cyclone "Yaas".

Pursuant to an order dated March 2, 2026, the respondent No.5 being the Executive Engineer, Jainagar Irrigation Department filed a report which is taken on record.

After going through the said report, this Court finds that it has been admitted that several plots of land including the plots of the petitioners have been utilised for the purpose of construction of ring bandh. It further appears from the said report that a joint field verification was conducted and the report of the joint field verification report also specifies the area of the plots which have been utilised.

Since it is not in dispute that several plots of land including the plots of the petitioners have been utilised,

the land owners are entitled to compensation for utilisation of their property.

Mr. De, learned Additional Government Pleader refers to paragraph 14 of the report and submits that the respondent No.5 has admitted that the Irrigation and Waterways Department will provide necessary compensation for the utilisation of land upon receiving instructions from the competent authority.

Since the plots in question have been utilised, the payment in respect thereof has to be made to the land owners.

Accordingly, WPA 6389 of 2025 stands disposed of by directing the respondent authorities to take steps for initiating an appropriate proceeding for acquisition and to determine the compensation in accordance with the relevant statute and complete the entire exercise including the payment of compensation as expeditiously as possible but positively by the end of the month of August, 2026.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)