

06.05.2026.  
Court No. 13  
Item No. 1.  
sp

**F.A.T No. 271 of 2020**  
**With**  
**CAN 3 of 2025**  
State of West Bengal represented by the Land  
Acquisition Collector, Hooghly  
Versus  
Sabitri Banerjee

Mr. Ayan Banerjee,  
Mr. Suman Banerjee,  
Ms. Debjani Sengupta,  
Ms. Paulomi Ghosh.

..for the respondent.

**Re: FAT 271 of 2020**

1. Despite service of notice, the appellant/State is not represented.
2. The extract of the intimation to the advocate on record for the appellant/State communicated by the respondent is kept with the record.
3. However, in view of the observations made hereinbelow, this Court has decided to proceed with the instant matter even in the absence of the appellant/State.

**Re: CAN 3 of 2025 in FAT 271 of 2020**

4. This is an application filed by the State for substitution of the beneficiary/land loser Sabitri Banerjee, who died intestate on 18<sup>th</sup> April, 2024. The legal heirs of deceased Sabitri Banerjee, which are mentioned in paragraph 7 of the CAN 3 of 2025

application, are the two sons, namely, Aniruddha Bandhyopadhyay and Amalesh Bandhyopadhyay.

5. Let Aniruddha Bandhyopadhyay and Amalesh Bandhyopadhyay be substituted in place and stead of the deceased Sabitri Banerjee as respondent nos. 1(a) and 1(b).

6. Let the name of Sabitri Banerjee be struck off from the instant appeal.

7. The abatement of the appeal on account of the death of Sabitri Banerjee shall stand set aside.

8. CAN 3 of 2025 is allowed and disposed of.

9. There shall be no order as to costs.

**Re: FAT 271 of 2020**

10. It is submitted by Mr. Ayan Banerjee, learned counsel for the respondent that a Co-ordinate Bench of this Court has in FAT 516 of 2019 and FAT 3 of 2019 by judgment and order dated 8<sup>th</sup> May, 2025, has already decided the issue in respect of L.R. Plot No. 2804 under Mounza- Bhadrakali, District- Hooghly.

11. FAT 516 of 2019 filed by the State of West Bengal and FAT 3 of 2019 filed by the land loser. In the said judgment dated 08.05.2025, the matter was remanded back to the referral Court with directions contained in paragraph 62 of the said judgment which is set out hereinbelow:

**62:** Accordingly, F.A.T. No.516 of 2019 and F.A.T. No.3 of 2019 are allowed in part, thereby setting aside the judgment and impugned decree dated September 20, 2018 passed by the learned Additional District Judge, First Court at Hooghly Sadar, District- Hooghly in Land Acquisition Miscellaneous Case No. 7 of 2016 and

remanding the matter to the Referral Court for adjudication on the points given hereinbelow:

- (i) The compensation of the acquired land of the claimant is fixed at Rs. 5,52,544/- per month;
- (ii) The solatium of one hundred per cent of the compensation amount, as stipulated in Section 30 of the 2013 act, shall be calculated by the Referral Court on the basis of the above compensation and awarded to the claimant;
- (iii) The Referral Court shall also award interest at the rate of 12% per annum on the market value as mentioned above in terms of sub-section (3) of Section 30 of the 2013 Act.
- (iv) The Referral Court shall grant an opportunity to both sides to adduce evidence, if they so choose, on the limited question of the date of possession and as to whether the parameters of Section 72 and Section 80 of the 2013 Act are satisfied in the present case. In the event the parties or either of them choose not to adduce evidence or the evidence is not satisfactory, it will be open to the Referral Court to look into the relevant materials and/or call for the necessary records from the appropriate authorities for ascertaining the relevant factual parameters and, upon such exercise, if it is found that the claimant is otherwise entitled to the interest contemplated in Section 72 and/or Section 80 of the 2013 Act, the referral court shall award such interest(s) to the claimant in terms of the said Sections.

12. The aforesaid judgment carried to the Supreme Court by the State in SLP 64955/2025, was dismissed by an order dated 15<sup>th</sup> December, 2025. Copy of the said order is kept with the record.

13. In respect of the acquisition proceedings relating to the same LR Plot number and decree of the Trial Court, an award passed by the L.A. Collector, several further appeals, namely, FAT 266 of 2020 with COT 178 of 2025 with COT 177 of 2025 with FA 228 of

2022 with FA 377 of 2025 with FA 41 of 2021 with FA 70 of 2022 with FA 72 of 2022 with FAT 267 of 2020 with FAT 268 of 2020 with FAT 272 of 2020 with FAT 273 of 2020 with FAT 277 of 2020 with FA 200 of 2025 with FAT 275 of 2020 had been filed.

14. The same judgment dated 08.05.2025 (supra) has been followed by another Co-ordinate Bench in the decision dated 14<sup>th</sup> January, 2026 and the same directions set out hereinabove have been issued, in the above appeals.

15. Having regard to the above, this Court is of the view that the instant appeal being FAT 271 of 2020 is also disposed of directing the learned Judge, Land Acquisition Tribunal-cum-Additional District Judge, 1<sup>st</sup> Court, Hooghly Sadar at Chinsurah to follow the directions set out in paragraph 11 hereinabove and pass appropriate orders within a period of four months from the date of communication of a copy of this order.

16. The land loser/respondent shall be entitled to withdraw the sums deposited by the State with the Registrar General of this Court that was directed to be kept in an interest bearing account, together with accrued interest as on date.

17. The Registrar General, upon receipt of bank particulars of the respondent from their advocate on record shall transmit the sums deposited by the appellant/State within a period of 10 days from the receipt of a copy of this order.

18. Copies of the aforesaid judgment dated 08.05.2025 (supra) and 14.01.2026 (supra) are kept with the record.

19. With the aforesaid observations, FAT 271 of 2020 shall stand disposed of.

20. Consequently, all connected pending applications, if any, shall stand disposed of.

21. There shall be no order as to costs.

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

***(Rajasekhar Mantha, J.)***

***(Rai Chattopadhyay, J.)***