

S/L 30  
15.09.2022  
Court. No. 19  
GB

W.P.A. 16621 of 2021

Mrityunjoy Pandit & Anr.  
VS  
The State of West Bengal & Ors.

*Sk. Abu Abbasuddin,  
Mr. Nahid Rahman.*

*...for the Petitioners.*

*Mr. Himadri Sikhar Chakraborty,  
Mr. Atarul Haque Molla.*

*...for the State.*

Affidavit-of-service filed in Court today, be kept with the record.

The respondent nos.8 and 11 refused service.

Allegation has been made that the panchayat authorities are constructing a road over the land of the petitioners. Such road is allegedly for the benefit of the respondent Nos. 8 to 12.

It is submitted by the learned advocate for the petitioners that the petitioner no.2 had expired during the pendency of the writ petition. As the writ petition is on a joint cause of action, the same is not entertained.

Under such circumstances, no orders can be passed in the writ petition. However, in future the petitioner no.1 and the heirs of the petitioner no.2 may always approach the Sub-Divisional Officer, Serampore with their allegations.

If such approach is made, the same shall be decided in accordance with law. While doing so, the petitioners, the Gram Panchayat authorities as also the respondent nos.10 to 12 will be heard. A reasoned order shall be passed and communicated to all concerned. Before such order is passed

and the hearing is held, an inspection of the plot in question shall be made in the presence of the parties. The assistance of the concerned Block Land and Land Reforms Officer shall be taken for measurement and demarcation of the land of the petitioners.

In case it is found that the allegations of the petitioners are correct, then necessary steps shall be taken to compensate the petitioners, in accordance with law. If the allegations of the petitioners are found to be incorrect, then necessary orders shall be passed disclosing the reasons for denial of the claim of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**