

26.09.2022

WPLRT 98 of 2022

Court : 04
Item : 72
Matter : WPLRT
Status : DISMISSED
Transcriber: NANDY

M/s. Skyline Vanijya Private Limited & Anr.
Vs.
The Stat of West Bengal & Ors.

Mr. Arindam Banerjee, Advocate
Mr. Saptarshi Dutta, Advocate
Mr. Pourush Kanti Pal, Advocate
.....for the Petitioner
Mr. Soumitra Bandopadhyay, Advocate
Mr. Subhasis Bandopadhyay, Advocate
.....for the State
Mr. Suryaprasad Chattopadhyay, Advocate
Mr. Arjun Samanta, Advocate
.....for the Respondents

Despite having conscious knowledge that some of the respondents are dead, the instant writ-petition is filed impleading them as party to it.

It is no longer *res integra* that no proceeding can be initiated at the behest of a dead person nor against the dead person. The position would have been different if the person was alive at the time of initiation of the proceeding but unfortunately left the world during the pendency thereof. In such event, the substitution can be made to the heirs and legal representatives of the deceased provided they have the right to sue. The proceeding at the stage of initiation against the dead person is not maintainable.

Since the present writ-petition is filed impleading some of the respondents who are already dead and within the knowledge of the writ-petitioner, the instant writ-petition is not maintainable.

Accordingly, **WPLRT 98 of 2022** is **dismissed** on such technical ground.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

