

15-05-2023
ct no. 13
sl. 11
sp

WPA 11561 of 2023

Mithu Choudhury

-Versus-

The State of West Bengal & Ors.

Mr. Sankar Paul,
Ms. Tapati Sarkar

...for the petitioners

Mr. Amitesh Banerjee, Id. Sr. St. Counsel
Mr. Tarak Karan

...for the State

Mr. Wasim Akram,
Mr. M. Islam,
Ms. Reshmi Khatun

...for the respondent nos. 4 and 5

1. The petitioner claims to be the Hindu wife of the deceased Fazlur Rahman Choudhury. The muslim wife of the deceased was residing at Village- Dhanehari, Post Office- Dhanehari, Via- Sonabari Ghat, District- Cachar, Pin- 788013, Assam and presently residing at 135A, S.N. Roy Road, Sahapur, Post Office- Sahapur, Sub-District- Circus Avenue, Kolkata- 38.
2. The body of the deceased may be handed over jointly to the petitioner and the private respondent no. 4, Hena Choudhury, wife and respondent no. 5 Mustafijur Rahman Choudhury, son. The last rights of the

deceased shall be performed as per muslim rights at Calcutta.

3. It is absolutely made clear that the performance of the last rights of the deceased by the private respondents and the petitioner shall not create any equity whatsoever in law.
4. The body may be handed over as indicated hereinabove by **2 p.m.** on **17.05.2023**.
5. With the aforesaid observation, the instant writ petition shall stand disposed of.
6. There shall be no order as to costs.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)