

23.06.2023
Court No.13
Item No.11
AP

WPA 14678 of 2023

**Laxmi Bag
Vs.
The State of West Bengal & Ors.**

Mr. Md. Wasim Akram
Mr. Hamidul Haque
Ms. Reshmi Khatun

... For the Petitioner.

Mr. Ansar Mondal
Mr. Rudranil De

... For the State.

1. Haridevpur Police is represented.
2. This Court has heard the learned counsel for the parties and considered the documents annexed to the writ petition i.e. the Aadhaar Card of the petitioner, which indicates that her father was Bechu Lal Bag; the marriage certificate of the deceased, which indicates that the wife of the deceased, Basanti Kundu nee Bag, is the sister of the petitioner.
3. It is submitted that the wife of the deceased, Basanti Kundu nee Bag, is mentally unwell and unable to claim the body of the deceased or take any steps in that regard towards performance of last rites.
4. Respondent No.3, Anjana Kundu, sister-in-law of the deceased, and Srideep Kundu, nephew of the deceased, have also claimed the body of the deceased.

5. Haridevpur Police may hand over the body of the deceased jointly to the petitioner and the said Anjana Kundu and Srideep Kundu for performing the last rites.

6. It is made clear that such performance of last rites would not create any special equity in favour of the petitioner or the private respondents in the estate of the deceased. The same shall be governed by the law of the land.

7. With the aforesaid directions, the writ petition shall stand disposed of.

8. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)