

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

12 02.12.2024
Sc Ct. no.2

WPA 16019 OF 2023

Nirmala Bag & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Shibendra Nath Chattopadhyay
Mr. Priyam Misra
Ms. Ankita Misra
Mr. Sanket Chanda.

..... For the Petitioners

Mr. Chandi Charan De, AGP
Ms. Reshma Chatterjee.

..... For the Respondent
Nos. 1 & 2

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Shibendra Nath Chattopadhyay, learned counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos.1 and 2.

The rest of the respondents are not represented.s

Referring to a Lease Deed dated **March 25, 2003, Annexure-P1 at page 14** to the writ petition the petitioners submitted that, an industrial lease was granted in favour of one **M/S. REJOIN PLASTICS PVT. LTD.** (for short the company), a company incorporated under the **Companies Act, 1956** and an existing

company within the meaning of the present Companies Act. The lease was executed through the Director of the company, viz. **Swapan Kr. Bag**, since deceased. The petitioners claim to be the legal heirs of **Swapan Kr. Bag**, since deceased.

The lessee under the said Lease Deed is a juristic person and a corporate entity. Succession of a juristic person cannot be claimed by natural persons. The company is also still in existence. Hence, this writ petition is totally devoid of any merit and is not maintainable in the eye of law at all.

This writ petition, **WPA 16019 of 2023** accordingly stands **dismissed**, without any order as to costs.

However, this order shall not preclude and equally shall not create any right or equity in favour of the petitioners to negotiate with the lessor for any other arrangement, if it is permitted in law and agreed by the lessor.

The lessor in that case shall have full discretion to take steps in accordance with law.

(Aniruddha Roy, J.)