

27.03.2026

Item No. 14

Crt.No.10

b.r.

WPA 21912 of 2019

CAN 2 of 2025 (Xerox copy)

Madhusudan Basu & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sujit Banerjee

Mr. Nilay Sengupta

Ms. Sunanda Samanta

..... for the petitioners.

Mr. Satyajit Talukdar

Mr. Arindam Chatterjee

... for the KMDA/Resp. no.5.

Heard Learned counsel for the appearing for the respective parties.

The present application being CAN 2 of 2025 has been filed seeking substitution of the legal heirs and the representatives of the deceased being the petitioner no.1, who breathed his last on 22.2.2025.

Learned counsel appearing for the applicants submits that the right to sue survives upon the legal heirs mentioned in paragraph nos. 5 and 6 of the said application. It is further submitted that the application has been filed within the statutory period of limitation supported by a copy of the death certificate being Annexure-A at page 8 of the said application.

Learned counsel for the opposite parties does not raise a serious objection to the prayer of the

substitution subject to the verification of the legal heirship.

Having heard the parties and perusing the records, this Court finds that the right to sue survives.

Accordingly, the prayer for substitution is allowed.

Let the legal heirs of the deceased petitioner no.1 as described in schedule at page 6 of the said application be substituted in his place and stead.

The Department is directed to carry out the necessary amendments in the cause title of the main petition as well as in the records of his case within a period of two weeks from date.

A copy of the amended cause title should be served by the advocate-on-record of the petitioner upon the respondents within a week thereafter.

The application being **CAN 2 of 2025** stands **allowed** and **disposed of**.

The writ petition shall appear on 8th of May, 2026.

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

(Smita Das De, J.)