

May 1, 2024
AD 17
Ct. No.14
SG

WPA 26199 of 2023
with
CAN 1 of 2024

Manojit Dasmohanta
vs.
State of West Bengal and others

Mr. A.K. Bera
... for the petitioner

Mr. K.J. Yusuf
Ms. Rupsha Chakraborty
... for the State

Learned counsel for the State submits that the original writ petition was filed seeking police protection for his peaceful possession in respect of 19 decimals of land. In the meantime the petitioner admittedly passed away. Therefore, the cause of action does not survive. However, it shall be open to the heirs of the petitioner to pray for such protection by filing a fresh writ petition, if they feel a need for the same.

Learned counsel for the petitioner submits that the applicants are the only heirs of the petitioner.

It appears that the prayer made by the erstwhile petitioner in the original writ petition was very personal in nature. He prayed for police protection for him in respect of his peaceful possession of a piece of land.

Therefore, I am not inclined to allow the application for substitution.

Accordingly, the same is dismissed.

As the writ petitioner had passed away and the cause of action apparently does not survive, the writ petition is disposed of without any further order.

The connected application also stands disposed of due to the foregoing reasons.

However, the applicants shall be at liberty to file a fresh writ petition if they too feel a need to have police protection in respect of possession of the piece of land.

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

[Jay Sengupta, J.]