

Sl. No.18.
09.12.2025
Suman
Ct. 15

WPA 25612 of 2025

Monoranjana Makhal
Vs.
The State of West Bengal and Ors.

Mr. Sarajit Roy
Ms. Suparna Dutta
Ms. Monalisha Sinha
Mr. Sayed Hossain
..for the petitioner

Md. Mokaram Hossain
..for the State

The prayer of the writ petition cannot be allowed.

It appears that a lease in respect of 300 square feet of land was granted in favour of the petitioner by the Howrah Zilla Parishad, which was renewed up to December 31, 2022. The petitioner now seeks renewal of the lease in favour of his two sons.

It is an acknowledged position before this Court that the petitioner's two sons are major and are not parties to the present proceeding. In their absence, at the instance of their father, no order can be passed directing the Zilla Parishad to renew the lease in their favour.

In this regard, reference may be made to the judgment reported at *2025 SCC OnLine Ker 7371 (Shareefa v. Sub Collector)*. A learned Single Judge of the Kerala High Court in that case considered the issue of whether a wife can maintain a writ petition on behalf of her husband, after discussing Section 120 of the Indian Evidence Act, 1872, Rules 1 and 2 of Order III of the Code of Civil Procedure, 1908 and the Supreme Court judgment reported at *AIR 1962 SC 1044 (Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B.; Charanjit Lal Chowdhary v. Union of India)*. It was held that the petitioner had no locus standi to institute and proceed with the writ petition on behalf of her husband without a power of attorney authorising her to do so.

There is no reason to take a different view, and it must be held that the petitioner herein, being the father, for the same reason, cannot maintain a writ petition on behalf of his two major sons without being authorised by them to file the present writ petition on their behalf.

This order shall not, however, preclude the petitioner's two sons from filing a fresh writ petition in accordance with law.

Accordingly, **WPA 25612 of 2025** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)