

17.06.2025
Sl. No.01
Ct No. 3
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

W. P. A. 1000 of 2025

Abdul Karim
Vs.
The State of West Bengal and Ors.

Mr. Arijit Ghosh,
Ms. Angana Rakshit.

... for the petitioner

Mr. Subir Kumar Saha,
Ms. Bedashruti Bose.

... for the State

1. The Petitioner has preferred the present writ petition, being aggrieved by the inaction of the respondent authorities in not considering or deciding the representation dated 06.04.2025.

2. The case of the petitioner is that his son, Md. Imran, was lawfully married to one Ms. Sahena Begam (since deceased) on 24.11.2022 in accordance with Muslim Shariat Law. A male child was born out of the said wedlock and is currently around six months old. Due to matrimonial discord with her husband, Ms. Sahena Begam (since deceased) alleged consumed poison on 13.11.2024 and was immediately admitted to hospital. After undergoing treatment, she was discharged on 31.11.2024. Subsequently, she was taken to her parental home, where her health condition deteriorated and she unfortunately passed away on 08.12.2024. After her demise, the parents of the deceased, allegedly with the assistance of others,

forcibly buried the body of the deceased on the premises owned by the petitioner despite objections raised by the petitioner and several local residents. A mass petition dated 12.12.2024 was submitted by the local residents before the Sub Divisional Officer, Jalpaiguri, Block Development Officer, Rajganj and the Inspector-in-Charge, Rajganj Police Station, requesting that the burial be removed from the said location and the deceased to be led to rest in accordance with the customary religious practices at a designated cemetery. However, no action has been taken by the authorities in this regard. In the meantime, a police complaint was lodged by the mother of the deceased against the petitioner and his family members including the son resulting in registration of FIR being Rajganj P.S. Case No. 425/2024 dated 09.12.2024 under Section 85/80/103(1) of BNS. The Petitioner's son was initially taken into custody and subsequently released on bail.

3. Learned Counsel for the petitioner submits that forcible burial of the deceased without adherence to the religious rites, has caused severe mental anguish to the petitioner and his family members. Consequently, the petitioner submitted a representation dated 06.04.2025 before the appropriate authorities, seeking exhumation of the body and reburial at the appropriate burial grounds in accordance with the prescribed customary religious rites. However, no decision has been taken on

the said representation till date, prompting the filing of the present writ petition.

4. Learned Counsel appearing for the respondent submits that there was an understanding between the petitioner and the father of the deceased, whereby the latter had agreed to undertake the exhumation of the body. Though till date no action has been taken.

5. Learned Counsel for the respondent further submits that the authorities are ready and willing to decide petitioner's representation dated 06.04.2025

6. In view of the above, learned Counsel for the petitioner states that his client shall be satisfied if the aforesaid representation is considered within a time bound manner.

7. In light of the submissions made by the respective parties, this Court directs the respondent no. 4 to decide petitioner's representation dated 06.04.2025 within a period of two weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondent and any other stakeholder by passing a speaking order.

8. With the above directions, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. There shall be no order as to costs.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)