

24.03.2026
Ct. 3
Item No.
AD 42
sayandeep

WPA 4341 of 2026

**Sri Kartick Singha Roy
Versus
The State of West Bengal & Ors.**

Mr. Pradip Paul
Mr. Ravi Kumar Sharma
..... for the petitioner
Mr. Subhabrata Das
Mr. Mrinal Kanti Das
Mr. Arindam Banerjee
.... For the municipality
Mr. Koustav Bagchi
Ms. Priti Kar Bagchi
Ms. Upasana Banerjee
..... for the pvt. respondent

1. The affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed, inter alia, praying for quashing or cancelling death certificate issued in the petitioner's name by the respondent No. 4.
3. The municipality is represented. The learned advocate for the municipality has placed before this Court an order dated 28th January, 2026 passed in WPA 400 of 2026. The aforesaid order would reveal that the above writ petition came to be dismissed by an order dated 28th January, 2026 on the ground that the writ Court not being a fact finding Court, therefore, the prayer for cancellation of the death certificate cannot be entertained by this Court. It

appears that the petitioner having previously been unsuccessful in seeking cancellation of his death certificate has once again without disclosing the aforesaid order and by suppressing the same, has filed the writ petition. Although the learned advocate representing the petitioner would submit that on the basis of the leave granted by the co-ordinate Bench, the above writ petition has been filed, I do not find any such leave in the order dated 28th January, 2026. What was in fact protected was the right of the petitioner to take steps to seek the declaration in accordance with law. This Court having once, dismissed the writ petition on the ground of the writ Court not being a fact finding Court, the petitioner could not have once again approached this Court based on the same cause of action. It is a clear case of suppression and an attempt to mislead the Court. At this stage, however, since the advocate for the petitioner would seek to withdraw the petition, the same is dismissed as withdrawn, leaving it open to the petitioner to apply before the appropriate forum, if so advise.

(Raja Basu Chowdhury, J.)