

Item No.69
13.01.2026
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2149 of 2025

Runi Begum @ Bewa
VS
The State of West Bengal & Ors.

*Mr. Arnab Saha,
Md. Shoaib Akhtar*

...for the Petitioner.

*Mr. Subir Kumar Saha, Ld. AGP,
Mr. Kumar Shantanu*

...for the State.

*Mr. Aniruddha Biswas,
Ms. Kanak Mishra,
Mr. Monoj Saha*

...for the Respondent Nos.9 & 10.

*Mrs. Suman Sehanabis,
Mr. Salok Sah,
Ms. Anwesha Chakraborty*

...for the Respondent Nos.11 & 12.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner prays for a direction upon the authorities to exhume the body of her deceased husband on a ground that he deserved to be buried in a public burial.
3. The police authorities have filed a report. The brothers of the deceased are also represented before this Court. They submit that the last wish of the deceased was to be buried in his father's land, beside his ancestors.

4. The report of the police authorities indicate that the deceased expressed his last wish to the family members to be buried in the private land. It is submitted that some of the ancestors had been buried in the said land. The burial had taken place six months ago. It further appears that the petitioner is one of the accused persons against whom an FIR has been registered for the offence of administering poison to the deceased, and the investigation is in progress.
5. In my view, a writ Court cannot pass a mandamus to exhume of the body at this stage, on the ground that the petitioner would have been happier had the burial been made in the public burial ground.
6. The petitioner is not able to demonstrate that the personal law by which the petitioner and the deceased were governed, prohibited burial of such nature. A human being is entitled to a dignified burial. The State authorities cannot be directed to exhume the body against the sentiment of some of the family members of the deceased. There is a dispute between the family members over such issue. Moreover, exhuming the body at such a belated stage will cause environmental hazards and will compromise the health and hygiene of the area.
7. Accordingly, the writ petition is disposed of without any orders.

8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)