

WPA(P) 354 of 2022

**Manabendranath Bandhopadhyay
Vs.
State of West Bengal & Ors.**

Mr. Biswabrata Basu Mallick
Mr. Dipayan Kundu

... .. for the petitioner

Mr. S.N. Mookherjee, AG
Mr. N. Chatterjee

... .. for the State

Mr. Billwadal Bhattacharyya

... .. for the Union of India

This public interest petition has been filed by one of the practicing advocate of this Court with the plea that one member of the Bar Association No. 18 namely, Kaushik Dey had expired few days back and his body was found on 29th July, 2022.

Further plea of the petition is that there is no one to claim the dead body, therefore for performing the last rites the body needs to be handed over to the office bearers of the Bar Association.

Learned Advocate General has informed that the post-mortem of the body has already been done and since no one has come forward to claim the body, therefore the dead body has been kept in mortuary of Vidyasagar State General Hospital.

The office bearers of the Bar Association are present in support of the petitioner.

Undisputedly no relative of the deceased Kaushik Dey is known and till now no one has come forward to

take the body. In these circumstances, the friends of the deceased advocate and office bearers of Bar Association have now come forward with the plea to hand over the dead body to them for performing the last rites.

The State authorities have no objection in granting the above relief.

Hence, we dispose of the present petition with the following directions;

- 1) The State authorities are directed to hand over the dead body of deceased Kaushik Dey to the petitioner/Mr. Kallol Mondal (Vice President of Bar Association)/Mr. Biswabrata Basu Mallick (Secretary of the Bar Association) without any unnecessary delay as per rule on completion of due formalities.
- 2) We make it clear that handing over of the body is for the limited purpose of performance of last rites and will not affect any legal right of any legal heir etc.
- 3) The original death certificate will be handed over by the authorities to the Secretary of the Bar Association who will keep it safely for handing it over if any lawful claimant comes forward later.
- 4) The State authorities will extend full cooperation for smooth performance of the last rites of the deceased advocate.

The writ petition is accordingly disposed of.

Parties are permitted to act on the basis of server copy of this order downloaded from the official website of this Court.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)