

Court No. 2
02.9.2025
(Item No. 33)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1645 of 2025

Sumanta Biswas
VS

The State of West Bengal & Anr.

Mr. Anirban Banerjee
.... For the petitioner
Mr. Nabankur Paul (VC)
Mr. Pradip Sarkar
.... For the State

The father and mother (both deceased) of the petitioner were State employees. Petitioner in total are four brothers and sister, namely, the petitioner, his brother Sanjay Kumar Biswas and Raj Kumar Biswas and only sister Sampa Biswas. The petitioner claims that, Sanjay Kumar Biswas has died, Raj Kumar Biswas has been missing since **May 24, 2025** and Sampa Biswas is married.

In view of the above, firstly the presumption of death in so far as Raj Kumar Biswas is concerned, the same would arise sometime in **May 2032** as per law. No death certificate of Sanjay Kumar Biswas has been annexed to this writ petition. The death certificates of the father and mother are annexed at **pages 11 and 13** to the writ petition respectively. A document at **page 15** to the writ petition issued by the jurisdictional Municipal Corporation shows Sanjay Kumar Biswas as deceased son.

Be that as it may, in the light of the above, the petitioner shall file necessary application for addition of parties. In the event, the petitioner renews his stand that Sanjay Kumar Biswas has died, then the relevant death certificate shall have to be disclosed in such application.

The petitioner shall be at liberty to mention the application for inclusion if the same is filed before the available Circuit Bench contemporaneously subject to its convenience upon notice to the respondents and all other proposed added parties.

The petitioner shall also file an affidavit of service in this regard.

(Aniruddha Roy, J.)