

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.68 of 2025

Smti. Unnati Deb Das and 4 Others

.....Petitioners

_V_E_R_S_U_S_

Smti. Sati Das and 5 Others

.....Respondents

For Petitioner(s) : Mr. A. De, Advocate.

For Respondent(s) : Mr. A. Bhowmik, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

06.03.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondent No.5 to issue the death certificate of Nepal Das who died on 13.09.2021 at Agartala and further direction to be given to the respondent No.4 to hand over the death certificate to the petitioner. As the respondent No.4 kept this death certificate of Nepal Das in her custody and she has collected the same from the Agartala Municipal Authority.

[3] The petitioners have prayed for the following reliefs:

“i) Admit this petition;

ii) Call for records and after hearing the parties;

iii) Issue writ and/or order directing the respondent No-5 to issue the death certificate of late Nepal Das in favour of the petitioners.

iv) Issue writ and/or order directing the respondent No-6 to issue the survival certificate of late Nepal Das in favour of the petitioners.

v) A direction be given to the respondent No-4 to handed over the original death certificate to the petitioners which is obtained by the respondent no-4 mala-fide and kept the same in her custody by an un-authorized manner.

AND

vi) To pass any other order/orders or directing the respondents as Your Lordship deem fit and proper having regards to the facts and circumstances of the case.”

[4] The facts in brief are that the petitioner No.1 is the wife and petitioner Nos. 2, 3 4 and 5 are the daughters of late Nepal Das who died on 13.09.2021 at his resident village Kalikapur, P.O. Border Rampur, P.S. West Agartala, District- West Tripura. Said Nepal Das cremated at Battala Agartala

Crematory ground, one Manju Choudhury the respondent No.4 who is claim to be the wife of Nepal Das submitted an application before the Municipal Authority for obtaining the death certificate of Nepal Das and accordingly death Certificate was issued and handed over to Manju Choudhury.

[5] The petitioner No.1 being the first wife of late Nepal Das and her four daughters applied for death certificate of Nepal Das, but the Municipal Authority did not supplied the said certificate, reason has given that once they have issued death certificate in favour of Manju Choudhury so they are unable to issue another death certificate of Nepal Das. Be it mention here that, the respondent No-1 is the second wife of Nepal Das and respondent Nos.2 and 3 are the sons and daughters of Nepal Das. The petitioners applied for obtaining the survival certificate before the SDM Sadar and the said authority did not accept the application by saying that, they have to obtain the original certificate from the Municipal Authority otherwise they will not provide and issue the survival certificate and as such the petitioners prayed before this court for issue a direction upon the respondent No-5 to issue the death certificate and also a direction be given to respondent No-6 to issue the survival certificate.

[6] In view of above submission, this Court is of the view that the issue involved in the present matter is purely civil in nature and not maintainable under Article-226 of the Constitution of India. There is a communication from the Municipal Authority indicating that it is better to go before the appropriate authority they are legally entitled the benefits as prayed for. No application is also filed by the petitioners before the appropriate authority and the entire affidavit is silent about the same. According to this Court it is a chance litigation no impugned order is there in the present case as such, the present writ is not maintainable under Article-226 of the Constitution of India and the reliefs sought for by the petitioners in the present petition cannot be adjudicated under Article-226. The petitioners have to go before the concerned Court/forum to meet the ends of justice.

[7] As such, the present petition stands dismissed. As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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