

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10286 of 2013

Indra Devi Widow Of Late Shashi Bhushan Singh R/O Village- Manda, P.S.-
Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar through the Collector, Samastipur
2. The Collector, Samastipur
3. The District Statistical Officer-Cum-Additional Registrar (Death-Birth),
Samastipur
4. The Sub-Divisional Officer, Rosera, Samastipur
5. The Block Development Officer, Bibhutipur, Samastipur
6. The Panchayat Sachiv, Gangauli Manda, Samastipur
7. Alok Vatsya S/O Sri Balram Prasad Singh Resident Of Village- Manda, P.S.-
Bibhutipur, District- Samastipur
8. Manoj Kumar S/O Arbind Resident Of Village- Manda, P.S.- Bibhutipur,
District- Samastipur

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. Shashi Shekhar Dwivedi, Sr. Adv. Mr. Ranjan Kumar Dubey Mr. Rakesh Chandra Mr. Partha Gaurav
For the private respondent	Mr. Jitendra Prasad Singh
For the State	Mr. Uday Bhan Singh AC to GP 19

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 11-08-2016

Heard Mr. Dwivedi, learned Sr. Counsel for the petitioner, Mr.
Jitendra Prasad Singh, appearing for the private respondent and the counsel for
the State.

The writ application assails the order dated 22.01.2013 (Annexure-1)
issued by the District Statistical Officer-cum-Additional Registrar (Death-Birth)
requesting the respondent Block Development Officer to direct the Panchayat
Secretary, who is the Registrar under the Registration of Birth and Death Act,
1969, to cancel the death certificate (Annexure-7) certifying that the mother-in-



law of the petitioner namely, Sriwati Kunwari, died on 05.10.2010. The petitioner is the third wife of the son of Sriwati Kunwari. A dispute arose between the two wives of Late Shashi Bhushan Singh and a title suit is pending at the instance of the petitioner for annulling the sale deed allegedly executed by Sriwati Kunwari in 1972. It is stated that in accordance with the provision of the Act, the petitioner filed an application supported by affidavit before the Sub-Divisional Officer whereafter an enquiry was made. Under orders of the Sub-Divisional Officer, the death certificate (Annexure-7) was issued. The respondent completely erred in directing cancellation thereof.

The respondent, on the other hand, submitted that upon a complaint made with regard to collusive death certificate issued by the Registrar (Panchayat Secretary), an enquiry was got made by the respondent no.3 who has been designated under section 4 of the Act as the Chief Registrar. It was revealed that the certificate was obtained collusively on misleading facts. In such circumstances, respondent no.3, who is the Chief Registrar under the Act, directed for cancellation of the certificate by endorsing the required comments in the register of the birth and death maintained by the Panchayat Secretary-cum-Registrar.

Diverse submissions have been made by the petitioners which have been countered by the respondent on the basis of the pleadings. However, this is not in dispute that the petitioner herself has filed a title suit before the court against the private respondent in which an issue with regard to the factum of the death of Sriwati Kunwari Devi has been framed and the court is required to appraise the evidence adduced by the parties and record a finding thereon. In this background, I am not advised to delve into the submissions of the parties. However, it may be observed that such certificate of date of death or date of

birth has only evidentiary value under section 17(2) of the Act. An issue with regard to the actual date of death of Sriwati Kunwari has been framed in the title suit in which both parties hereto are parties. The cancellation thereof by the authority under the Act shall not have much consequence. This Court, however, observes that grant or cancellation of the death certificate of Sriwati Kunwari shall not prejudice either the plaintiff or the defendant in the pending suit and the same shall be gone into by the trial court in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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