

08.04.2021
Ct. No.13
Sl. No.367
akd

W.P.A. 7559 of 2021 [via video conference]

[Smt. Sujata Das -Vs- The State of West Bengal & Ors.]

Mr. Joy Chakraborty
Mr. Sandip Dinda
... .. for the petitioner

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... .. for the SBSTC

The writ petitioner is aggrieved by order dated 28th September, 2020 passed by the South Bengal State Transport Corporation. The writ petitioner claims to be the second wife of the deceased namely, Late Santu Das, Ex-L.V. driver of the Corporation.

It is further submitted that the said Santu Das had a wife and a son from an earlier marriage. The said marriage was dissolved and the petitioner is the second wife. There is some dispute whether the petitioner continues to be the second wife since a divorce proceeding was instituted.

Be that as it may, the petitioner submits that she and the son of the first wife are the only claimants and the South Bengal State Transport Corporation should divide the service dues of the late Santu Das amongst her and the son.

This court finds the argument unacceptable. A decision as regards the entitlement of a legal heir of a deceased can only be made by a court or authority of competent jurisdiction under the appropriate laws of succession. The petitioner will have to produce before the Corporation any such succession certificate or decree or order of the competent authority declaring the

petitioner and/or the son from the earlier marriage as legal heirs before any claim is lodged to the Corporation in this regard.

For the reasons stated hereinabove, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)