

12-08-2021
ct no. 13
Sl.67
Sp/sayandeep

WPA 12457 of 2021

Debdas Bhattacharya

-Versus-

State of West Bengal & Ors.

(Via Video Conference)

Mr. Amlanjyoti Sengupta,
Mr. Nilendra Narayan Ray

...for the petitioner

Mr. Ashis Guha,
Mr. Naren Ghosh Dostidar

...for the State

The writ petitioners are aggrieved by an order dated July 5, 2021 cancelling Death Certificate issued to one late Dhajadhari Bhattacharya. It is submitted that the said Death Certificate was issued on January 27, 2014. The said Dhajadhari Bhattacharya is stated to have died on November 28, 1962.

It is submitted by the counsel for the State that the Death Certificate was obtained fraudulently. It is indicated by the counsel for the State, based on instructions from the Mandalda Montosh, Gram Panchyat, Raghunathpur-II (Purulia), that there is evidence before the Office of the B.D.O., Raghunathpur-II (Purulia) that the deceased had received certain documents in connection with the proceedings before the Revenue Authority on April 16, 1968. It is also submitted that the medical doctor who certified the death is untraceable and the document on

which death has been confirmed is ex facie unreliable.

The said Death Certificate appears to be issued in October 1990. There is no letterhead or registration certificate of the medical doctor. The enquiry made by the B.D.O., Raghunathpur-II (Purulia) has revealed that the said Dhajadhari Bhattacharya may have died between 1965 to 1970. It is in that background and upon enquiry is being made by the Office of the District Magistrate, that the said original Death Certificate in the year 2014 came to be cancelled.

This Court does not find any infirmity in the order in question.

Counsel for the petitioner would argue that his client was entitled to prior notice of the cancellation and also personal hearing.

This Court is of the view that in view of the findings of the District Magistrate, communicated by the counsel for the State that a fraud has been perpetrated on the Office of the District Magistrate in obtaining subject Death Certificate. The cancellation of the said Certificate was based on a complaint received by a party to a proceeding before the West Bengal Land Reforms and Tenancy Tribunal.

This Court finds no reason to interfere with the impugned order.

The writ petition therefore fails and hereby dismissed.

There shall be no order as to costs.

The report along with annexures dated August 6, 2021 issued by Secretary, Mandalda Montosh, Gram Panchyat, Raghunathpur-II (Purulia), is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)