

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4605 of 2021

Hemlata Pradhan W/o Lt. Sh. Krishnakumar Pradhan, Aged About 34 Years R/o Nagar Panchayat, Sariya, Ward No. 14 Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Department Of Panchayat And Rural Development, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Collector, Collectorate Office, Mahasamund District Mahasamund Chhattisgarh.
3. SDO, Pithora, Tehsil Pithora, District Mahasamund Chhattisgarh.
4. Tehsildar, Pithora, District Mahasamund Chhattisgarh.
5. Secretary, Gram Panchayat Rajasevaiyya Khurd, Tehsil Pithora, District Mahasamund Chhattisgarh.
6. Smt. Pavitra Patel, Secretary, Gram Panchayat Rajasevaiyya Khurd, Tehsil Pithora, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	: Shri Rahul Tamaskar, Advocate.
For the respondents / State	: Shri Ravi Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.11.2021

Heard.

1. It is submitted by counsel for the petitioner that the petitioner is wife of late Krishna Kumar Pradhan. The petitioner filed an application for grant of death certificate before respondent No.5 – Secretary, Gram Panchayat. Her prayer for grant of death certificate was denied vide Annexure-P/2 mentioning that the death of Krishna Kumar Pradhan is not registered in the Panchayat, alongwith another note that the deceased had two wives, therefore, the certificate cannot be granted to any of them. Subsequently, Executive Magistrate, Pithora had ordered to respondent No.5 to register the death of the deceased on 12.3.2021,

therefore, it can be believed that the order of the Executive Magistrate has been complied.

2. The claim of the petitioner is that she is legally married wife of Krishna Kumar Pradhan. Although, Krishna Kumar Pradhan had filed a divorce petition before the Family Court, Korba in Civil Suit No. 121A of 2014 but the same was dismissed vide judgment dated 17.2.2017. However, the appeal preferred against this judgment has also been dismissed. Therefore, the status of the petitioner as legally-wedded wife is continued, hence, the petitioner has entitlement of grant of death certificate of her deceased/ husband.
3. Learned State counsel opposes the submissions and submits that the petition may be disposed off with a direction.
4. Considered on the submissions. Perused the documents filed alongwith the petition. The petitioner has claimed for her entitlement on the basis being wife of Krishna Kumar Pradhan. The dispute, if any, which may be raised for the present concerned that is to be decided by a Civil Court that will not be decided by this Court. However, the relation of the petitioner with Krishna Kumar Pradhan, is not denied. Hence, for these reasons, this petition is disposed off at motion stage.
5. The petitioner is at liberty to file a repeat application for issuance of death certificate of Krishna Kumar Pradhan before respondent No.5 and respondent No.5 is directed to take decision on that application at the earliest and grant the death certificate of deceased - Krishna Kumar Pradhan to the petitioner, preferably, within a period of 30 days.
6. With the aforesaid observations, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge