

17.03.2022
Sl. No. 24
ss

W.P.A. 197 of 2022

Jamaluddin & ors.
Vs.
The State of West Bengal & ors.

Sk. Md. Anwarullah
Mr. Debasis Sur
Mr. Angshuman Patra
... for the petitioners

Mr. Lalit Mohhan mahata
Mr. Prasanta Behari Mahata
... for the State

Mr. Partha Pratim Roy
... for the respondent nos.7 to 10

.....
Affidavit of service filed by the petitioners be kept
with the record.

The petitioners have raised a dispute with regard
to the heirship certificate granted by the Pradhan,
Bilborakopra Gram Panchayat, upon death of
Umedulla Mondal.

Inclusion of Jamila Bibi, daughter and Nojmun
Bewa, predeceased wife has been challenged. It is
submitted that the name of the predeceased wife could
not be included and Jamila Bibi was a Bangladeshi
national. Being aggrieved by the said heirship
certificate, this writ petition has been preferred before
this Court.

Mr. Partha Pratim Roy, learned Advocate appearing on behalf of the respondent nos.7 to 10 submits that these respondents are the heirs of one Mukbul Hossain and the petitioners are the heirs of Saibur Rahaman. Mr. Roy hands over another copy of the heirship certificate in which the names of Jamila Bibi (daughter), Mukbul Hossain (son) and Saibur Rahaman (son) have been included. Let the same be kept with the record.

There seems to be contradiction in the two certificates relied upon separately by the petitioners and the respondent nos.7 to 10.

Under such circumstances, the Block Development Officer, Lalgola Development Block is directed to dispose of the representation of the petitioners dated December 24, 2021 in accordance with law upon hearing all the interested parties and the other heirs of Late Umedulla Mondal, if any.

The concerned Block Development Officer is directed to pass a reasoned order and communicate the same to the parties. The entire exercise should be completed within a period of three months from the date of communication of this order.

It is made clear that the heirship certificate does not confer any title and if the parties are aggrieved by the denial of shares on the basis of the said heirship

certificate, the Civil Court would be the appropriate forum to determine the respective shares.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

All parties are to act on website copy of this order.

(Shampa Sarkar, J.)