

S/L 28
19.05.2022
Court. No. 19
GB

WPA 14732 of 2021

Mou Chakraborty
VS
Barrackpore Municipality & Ors.

Mr. Prasenjit Burman,
Mr. Chitrak Biswas.

...for the Petitioner.

Mr. Rajarshi Basu,
Mr. Abdus Salam

...for the State.

Mr. Syamal Kumar Das,
Ms. Krishan Yadav.

...for the Municipality.

The petitioner submits that one late Gouri Dutta, the paternal aunt of the petitioner was a spinster and had died testate leaving behind her last Will and testament. The petitioner claims to be a legatee under the said Will. The aunt of the petitioner was a permanent teacher of a high school. The petitioner applied for a death certificate of late Gouri Dutta. The said death certificate was not granted by the Barrackpore municipality. Such application was filed sometime in 2021.

Mr. Das, learned advocate for the municipality submits that if the petitioner applies online with requisite information, then the matter will be processed and death certificate shall be issued expeditiously.

Under such circumstances, this writ petition is disposed of with a direction upon the petitioner to apply online with the relevant information and documents. Those information, which are applicable to married persons leaving

behind children etc. shall not be applicable in the case of the petitioner. Upon receipt of the online application of the petitioner, the municipality will process the file. The death certificate shall be issued in accordance with law.

It is made clear that the municipality is bound to issue as many death certificates as may be required and issuance of such death certificate cannot be withheld by the municipality in case of rival claims. Death certificate does not decide title, ownership or legal heriship of any person.

The entire matter shall be completed within a period of two months from date of receipt of the petitioner's application.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)