

S/L 9
09.09.2022
Court. No. 19
GB

W.P.A. 14564 of 2021

Anshuman Mondal
VS
The State of West Bengal & Ors.

*Mr. Gazi Faruque Hossain,
Ms. Chandra Paul,
Ms. Prinaka Mondal.*

...for the Petitioner.

*Mr. Srijan Nayak,
Mrs. Rituparna Maitra.*

...for the State.

*Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.*

...for the Respondent No.10.

Affidavit-of-service filed in Court today, be kept with
the record.

The petitioner is aggrieved because the panchayat
authorities have refused to delete the name of the alleged
second wife of the deceased Shankar Mondal, from the legal
heir certificate. The petitioner is the son of the first wife.

The legal heirship certificate, given by the panchayat
authority, can only be an indication of the knowledge of the
local authority with regard to the surviving heirs of the
deceased. Such certificate cannot either extinguish or create
right, title or interest in favour of any of the persons. The
legal heirship certificate is not a document of title.

If the petitioner disputes the interest of Anuva
Mondal (alleged second wife) in the property of the deceased
Shankar Mondal, the proper course of action would be to get
an order from the civil court in this regard. Whether the
marriage was void, or the first wife is still alive after the
death of Shankar Mondal and there was no divorce in the eye

of law, are matters of evidence. Such issues have to be decided by the civil court on evidence.

None of the parties can claim any title on the basis of the certificate, given by the panchayat authority. The findings of the panchayat authorities in the letter of rejection of the prayer of the petitioner shall not be given any importance in any proceeding.

As no affidavits have been exchanged, the allegations are deemed to be denied.

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 server copy of this order.

(Shampa Sarkar, J.)