

November 7, 2022
Item No. 29
Court No.1
PA(RB)

WPA (P) 494 of 2022

Prasenjit Mitra

vs.

*The Secretary to the Government of West Bengal, Home
Department & Ors.*

Mr. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Mr. Sumit Naskar, Advocates

... for the petitioner

Mr. Subhabrata Datta,
Mr. B.B. Datta, Advocates

...for the State

Mr. Somnath Mukherjee,
Mr. Sagnik Bhattacharya, Advocates

... for the respondent no. 12

The allegation in this public interest petition is that the private respondent no. 12 had procured a legal heir certificate from the office of Maheshtala Municipality on the basis of the affidavit made before the 1st Class Judicial Magistrate. It is further alleged that the claim of legal heir of the private respondent is based upon the Burning Ghat Certificate of his grandfather Surendra Nath Sardar and the Doctor Certificate but those are fake documents. In this background, the prayer in the public interest petition is to direct proper enquiry of the allegation of the petitioner.

Submission of learned counsel for the petitioner is that a racket is going on for providing such fake and forged documents but learned counsel for the petitioner has failed to point out any other incident except the

solitary incident of allegation against the respondent no. 12.

Learned counsel for the State has produced the report in the form of communication received by him which reveals that there is a long standing land dispute between the petitioner and the private respondent no. 12 and private respondent has filed a Title Suit vide No. 970 of 2022 before the Court of Ld. 6th Civil Judge (Junior Division) at Alipore. The report further reveals that an enquiry in respect of Death Certificate and Burning Ghat Certificate regarding Surendra Nath Sardar has already been made by the police.

Hence it is apparent that the present public interest petition has been filed by the petitioner against the respondent no. 12 for oblique purpose of settling the private score with him. A private dispute is sought to be agitated through this PIL by the petitioner. The petition is found to be lacking in bona fides. Hence, no case for entertaining the present public interest petition is made out which is accordingly dismissed.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]