

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.16702 of 2022

B. Sekam

....

Petitioner

Mr. Sidharth Prasad Das, Adv.

-versus-

State of Odisha and Anr.

....

Opposite Parties

Mr. H.K. Panigrahi, ASC

(for O.Ps.1 to 6)

Mr. S.S. Mishra, Adv.

(for O.P.7)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

02.12.2022

Order
No.

- 04.
1. This matter is taken up through hybrid arrangement.
 2. Heard.
 3. In this Writ Petition, the Petitioners seek a direction to the State Authorities i.e. the Opposite Party Nos.1 to 5 to provide certificate of death and legal heir certificate of their deceased father within a stipulated time. They seek further direction from this Court to the Opposite Party No.7/ State Bank of India not to create any third party interest on the gold ornaments deposited with it as a

security against the gold loan account No.40305812056 advanced on 21.07.2021 by their deceased father.

4. Learned counsel for the Petitioners submits that Petitioner No.1 had been to the office of the Opposite Party no.5/ Berhampur Municipal Corporation, Berhampur for getting the certificate of death of his deceased father. But they denied to accept his application. As a result, the Petitioners are unable to apply for legal heir certificate before the Opposite Party No.6/ Tahasildar, Kanisi, district- Ganjam.

5. Learned counsel for the Opposite Party No.7/ Bank vehemently argues that the Petitioners have to approach the Bank with legal heirs certificate for release of the gold ornaments on due payment of the loan value.

6. In such view of the matter, the only prayer made by the Petitioners for issuance of certificate of death of their deceased father is allowed with a direction to the Petitioners to approach the appropriate authority i.e. the Opposite Party no.5/ Berhampur Municipal Corporation, Berhampur ventilating their grievances by filing an application. On such event, the Opposite Party no.5/ Berhampur Municipal Corporation, Berhampur shall take steps for issuance of certificate of death of the Petitioners' deceased father in accordance with law within a period of

ten days from the date of filing of the application by the Petitioners.

7. Accordingly, this Writ Petition is disposed of.

8. Urgent certified copy of this order be granted on proper application.

B.Jhankar



(Dr. S.K. Panigrahi)
Judge