

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38920 of 2021

(Through Hybrid mode)

Bipin Parida

....

Petitioner

Mr. Bijaya Kumar Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Ms. Suman Pattanayak, AGA

CORAM: JUSTICE ARINDAM SINHA

ORDER

19.12.2022

Order No.

03.

1. Mr. Mohanty, learned advocate appears on behalf of petitioner. He submits, his client is grandson of Sananda Parida, who died in year 1942. He draws attention to certificate dated 19th November, 2013, issued by the Headmaster, Biswali Nodal U. P. School that Maguni Parida, S/o. of late Sananda Parida had been admitted in sishu class on 1st April, 1948. He submits, this certificate confirms his client's contention that his grandfather, Sananda Parida died in year, 1942.

2. He draws attention to annexure-1 being death certificate saying Sananda Parida died on 3rd February, 1970. The certificate is dated 3rd December, 2013. He submits, there be direction for investigation by the Crime Branch of the Police as to how this fake

death certificate came to be issued. He relies on order dated 1st November, 2021 in RVWPET no.267 of 2019 (Lohita Rout and others vs. Suresh Ch. Rout and another), made by co-ordinate Bench, wherein there was direction upon Superintendent of Police, Crime Branch, Cuttack to examine issuance of death certificate referred therein. He adds, on application made by private opposite party no.5, the fake death certificate was issued.

3. Ms. Pattanayak, learned advocate, Additional Government Advocate appears on behalf of State and submits, adjournment may be granted for obtaining instructions.

4. On query from Court, Mr. Mohanty submits, his client is not in possession of original death certificate. However, he reiterates his client's instruction that Sananda Parida died in year, 1942.

5. Relied upon certificate issued by the Head Master, was signed on 19th November, 2013. Certification on that date was Maguni Parida, S/o. late Sananda Parida had been admitted to the school on 1st April, 1948. Disputed death certificate says Sananda Parida died on 3rd February, 1970, that is before date of issuance of the certificate. As such, it cannot be said the certificate certifies, late Sananda Parida was dead as on 1st April, 1948.

6. Court is not inclined to direct issuance of notice on private opposite party no.5, who petitioner says, applied for and obtained impugned death certificate.

7. Petitioner is at liberty to produce this order as well as his allegation that Sananda Parida died in year, 1942, before the local Police Station having jurisdiction over village Biswali. In event the P.S. finds petitioner has disclosed there is some evidence indicating Sadananda Parida died prior to 3rd February, 1970, it will register FIR and cause investigation, inter alia, into issuance of impugned death certificate dated 3rd December, 2013 and all those involved in the issuance of it.

8. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant