

S/L 11
17.01.2023
Court. No. 19
GB

W.P.A. 902 of 2023

Swapna Pramanik
VS
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee

...for the Petitioner.

*Mr. Susovan Sengupta,
Mr. Subir Pal*

...for the State.

Mr. L. Vishal Kumar

...for the Respondent No.4.

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

The husband of the petitioner expired on May 19, 2022 at his residence at village Pana. The concerned doctor issued a death certificate on the same day at the residence. The body was cremated in BHA Nagore Burning Ghat on May 19, 2022 and the Kolkata Municipal Corporation issued a cremation certificate in favour of the petitioner. The daughter of the petitioner filed an online application on May 31, 2022 for issuance of a death certificate, before the Bhadura Haridas Gram Panchayat. Representations were filed on several occasions but such death certificate was not issued.

The petitioner filed W.P.A. No.14888 of 2022. By an order dated November 24, 2022 this Court directed the Pradhan of Bhadura Haridas gram panchayat to process the application filed by the daughter of the petitioner for grant of death certificate. The Court also observed that if there were

impediments to issue such death certificate, reasons should be assigned.

On the basis of the aforementioned order, the Pradhan communicated a reasoned order through a learned advocate. It appears that the Pradhan was not sure whether the death occurred outside the jurisdiction of the Bhadura Haridas gram panchayat and as such, the death certificate had not been issued at the appropriate time due to such confusion. Accordingly, the petitioner was asked to make a further application for issuance of the death certificate.

Certain things are clear from the aforementioned letter written by the Pradhan through his learned advocate, namely,

- a) That the petitioner is entitled to be issued a death certificate.
- b) That the concerned gram panchayat has the authority to issue the death certificate.
- c) The apprehension that the death occurred outside the jurisdiction of the said gram panchayat was incorrect.
- d) Further application has to be made for issuance of the death certificate as the online application could not be accessed and the portal expired.

This Court does not find any reason as to why a further application has to be filed by the petitioner for issuance of the death certificate, when admittedly there is already an application filed within the prescribed time limit before the gram panchayat by the daughter of the deceased.

The same was kept pending by the gram panchayat for reasons beyond the control of the petitioner and on a mistaken assumption.

Under such circumstances, the writ petition is disposed of with a direction upon the Pradhan of Bhadura Haridas gram panchayat to issue the death certificate in favour of the petitioner with regard to the death of late Dinesh Chandra Pramanik, who was a government employee and working in the police department immediately.

As the petitioner has not been able to make her claim for family pension upon the death of her husband, the Court directs that such death certificate shall be issued within two weeks from the date of communication of this order.

The Block Development Officer, Diamond Harbour-II Block shall ensure that the application which was submitted online is made accessible for compliance of this order.

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 and server copy of this order.

(Shampa Sarkar, J.)