

17.03.2023
Court No. 19
Item no.40
CP

W.P.A. No. 3678 of 2023

Tutu Mohammad

Vs.

The State of West Bengal & Ors.

Ms. Shetparna Ray

....for the petitioner.

Mr. Subha Brata Datta

Mr. Bani Brata Datta

....for the State.

The petitioner had approached the Executive Assistant, Margram – I Gram Panchayat for a copy of a legal heir certificate which was supplied to one Alai Mawla alias Collin after the demise of Nure Alam Chowdhury. The petitioner claims to be a surviving sister of the deceased.

It appears that the Executive Assistant, Margram – I Gram Panchayat has already intimated the petitioner by a letter dated September 15, 2022 that the heirship certificate would be given if all the other legal heirs were physically present. The Assistant Secretary to the Government of West Bengal & SPIO, Panchayats & Rural Development Department had forwarded the claim of the petitioner for a copy of the legal heir certificate to the Executive Assistant & SPIO, Margram – I Gram Panchayat.

A copy of the legal heir certificate which had been issued after the demise of Nure Alam Chowdhury and was supplied to one Alai Mawla alias Collin vide Memo No. 493 dated September 23, 2021, has been asked for by the petitioner under the Right to Information Act.

The petitioner is entitled to a copy of the same upon payment of usual cost. A copy of such certificate supplied to Alai Mawla must be supplied to the petitioner within a period of four weeks by the Pradhan Margram-I gram panchayat from the date of communication of this order. The cost shall be intimated to the petitioner, which shall be paid.

Heirship certificate has nothing to do with right, title and interest of the claimants in case of any dispute and as such there is no reason why a copy of the certificate already issued, cannot be supplied to the petitioner.

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.)