

12.05.2023
sayandeep
Sl. No. 20
Ct. No. 05

WPA 5753 of 2023

Ashis Sengupta & Anr.
-Versus-
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty
..... for the petitioners

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sohom Majumdar
.....for the HMC

The petitioner No. 1 claims to be a nephew of his deceased uncle, one Bhabesh Moitra. The petitioner No. 2 is the wife of the petitioner No. 1.

The petitioners claim that they had a joint account with the deceased Bhabesh Moitra. The petitioners seek a direction on the respondent Howrah Municipal Corporation to issue a hard copy of the death certificate of the deceased in accordance with an application made by the petitioners' lawyer under the provisions of The Right To Information Act, 2005. The petitioners admit that Bhabesh Moitra resided with his niece during his last days and that the death certificate was made available to the niece. The niece is not a party before the Court.

The material disclosed to the Court shows that the petitioner made an application under the provisions of the RTI Act, 2005 for being provided with the death certificate of Bhabesh Moitra. The letter gives the date

of death as 25.09.2021 and the cremation date which was the day after. The reply given by the Corporation was that the death certificate is registered of the web portal of the Government of West Bengal. The portal has been indicated in the reply dated 22.03.2022. The petitioner was asked to access the portal and download the required death certificate. The petitioners preferred an appeal from the said reply. The first appeal was disposed of on 6th July, 2022. The documents also contain a letter dated 09.12.2022 from the Corporation repeating that the death certificate was registered on the web portal through a registered mobile number. The particulars of the web portal and the registered mobile number were indicated in the letter. The petitioners were once again asked to download the death certificate from the web portal. The petitioner No. 2 also wrote a letter to the Public Information Officer on 13.12.2022 asking for a physical hard copy of the death certificate.

The documents make it clear that the petitioners have initiated proceedings under The RTI Act, 2005 and the second appeal is yet to be disposed of. The present writ petition has been filed in the meantime asking for a physical copy of the death certificate as well as for a direction on the respondents to register a separate phone number of any of the writ petitioners and create

a separate one time password for the petitioners to get the hard copy of the death certificate.

None of these prayers can be entertained or granted in the writ petition by reason of the fact that the RTI proceedings are pending before the concerned authorities. Admittedly, the procedure for registration of death certificates is now on the virtual platform and was accordingly uploaded by the Corporation soon after the death of the late Bhabesh Moitra. The petitioners were also time and again directed to the web portal and given the registered mobile number through which the petitioners would have to download the death certificate. The petitioners have not done so till date. Likewise, there is also no provision to pass a mandamus on the respondent to make an exception to the online registration process and give a hard copy of the death certificate to the petitioners.

The writ petition lacks any ground for giving relief and is hence dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)