

06
16.05.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8792 of 2023

**Dilip Kumar Kar
-versus
The State of West Bengal & Ors.**

**Mr. Jagannath Ganguly.
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...For BMC.**

**Mr. Pinaki Dhole,
Mr. Pinaki Bhattacharyya.
...For the State.**

The petitioner claiming to be a beneficiary of a property left by one Mohit Mohan Sinha, since deceased, intends to obtain probate of the Will executed by the said Mohit Mohan Sinha.

For initiating the probate proceeding, the petitioner requires the certified copy of the Death Certificate of the testator.

An application was made for issuance of the Death Certificate before the Bidhannagar Municipal Corporation in March 2023. The same is yet to be answered.

The present writ petition is, accordingly, disposed of by directing the Joint Municipal Commissioner

(General Permission and Death and Birth Certificate), Bidhannagar Municipal Corporation to take into consideration the prayer of the petitioner for issuance of Death Certificate of late Mohit Mohan Sinha.

The aforesaid respondent shall afford an opportunity of hearing to the petitioner for production of necessary documents in support of his claim. A reasoned order shall be passed and communicated to the petitioner at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The petitioner shall be obliged to produce all necessary documents in support of his claim for issuance of Death Certificate.

The petitioner will also be obliged to comply with all necessary formalities including payment of necessary charges for obtaining the Death Certificate.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)