

17
10.05.2023
d.p.

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

W.P.A 10360 of 2022

**Santanu Sen & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Pritom Majumdar,
Mr. Rahul Deb Goenka.
...For the Petitioners.**

**Mr. Gopal Chandra Das,
Mr. Arunava Maiti.
...For KMC.**

**Mr. Sandip Dutta.
...For the Respondent No.6.**

Affidavit-of-service filed in Court today is taken on record.

The children of one Tarak Nath Sen who expired on 29th July, 1983 noticed that the name of their father was wrongly recorded in the Death Certificate issued by the Kolkata Municipal Corporation in April 2002.

The Death Certificate is annexed at page 15 of the writ petition. It appears therefrom that the name of Tarak Nath Sen is typed and by its side the words 'alias Keshab Lal Sen' has been inserted in handwriting.

The petitioners contend that Tarak Nath Sen was never known as Keshab Lal Sen.

Keshab Lal Sen appears to be the father-in-law of the respondent no. 6, Shibani Sen.

Learned advocate representing Shibani Sen submits, upon instructions, that she is no way connected with Tarak Nath Sen and she is not aware as to how and in which manner the name of Keshab Lal Sen got inserted in the Death Certificate of Tarak Nath Sen.

The petitioners as well as the private respondent claim to have documents in their support to contend that Tarak Nath Sen was never known as Keshab Lal Sen and incorporation of the words 'alias Keshab Lal Sen' was by mistake.

As the respondent no. 4, the Chief Municipal Health Officer is responsible for maintaining records with regard to Births and Deaths, accordingly, the parties are granted leave to approach the respondent no.4 with all documents in support of their stand.

The respondent no. 4 is directed to take a considered opinion in the matter and pass a reasoned order after hearing both the parties.

If the respondent no. 4 opines that there has been a mistake in the Death Certificate, then necessary consequential steps shall be taken to rectify the same.

The petitioners are directed to approach the aforesaid respondent at the earliest.

The respondent no. 4 shall act in accordance with the provisions of law and conclude the consideration at the earliest, but positively within a period of ten weeks

from the date of production of all documents before the said respondent.

It will be open for the petitioners to produce the Burning Ghat Certificate before the aforesaid authority.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)