

April 20, 2023
Sl. No.A 125
Court No.19
s.biswas

WPA 15490 of 2022

Laxmi Mondal
vs.
The State of West Bengal and others

Mr. Animesh Paul, Advocate

... for the petitioner

Mr. Srijan Nayak,

Ms. Rituparna Maitra, Advocates

... for the State

Affidavit of service filed by the petitioner is taken on record.

Panchayat authorities have refused service.

The petitioner submits that Jadurhati Dakshin Gram Panchayat has refused to accept the petitioner's application for grant of heirship certificate.

According to the petitioner, she and her daughter are the only heirs and legal representatives of the deceased Pabitra Mondal.

The panchayat authorities have issued such heirship certificate upon the death of the father of Pabitra Mondal, showing Pabitra Mondal as a deceased. But the names of the heirs of pre-deceased son of Madan Mohan Mondal have not been mentioned.

There is no reason as to why the application will be refused. If the panchayat authority finds reasons for not issuing heirship certificate, such reason shall be communicated to the petitioner. The petitioner

refers to the birth certificate of the child and the voter identity card of the petitioner to substantiate her claim as the heirs of the deceased Pabitra Mondal.

The petitioner is granted liberty to approach the concerned Block Development Officer by filing proper application, as it is the specific contention that the panchayat authorities are not allowing the petitioner to file application for grant of legal heir certificate.

The Block Development Officer shall ensure that the gram panchayat considers the said application in accordance with law and passes an order accordingly.

It is made clear that such heirship certificate is not a document of title. The decision shall be taken by the gram panchayat on the basis of the documents that the petitioner can provide before the panchayat authorities in order to substantiate her claim as also the claim of the minor child as the surviving legal heirs of Late Pabitra Mondal.

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 server copy of this order.

(Shampa Sarkar, J.)

