

27.02.2023
Court No. 19
Item No.01
CP

W.P.A. No. 15782 of 2022

Gayatri Nandi

Vs.

The State of West Bengal & Ors.

Mr. Amal Kumar Banerjee

....for the petitioner.

Mr. Himadri Sikher Chakraborty

Mr. Pariksit Goswami

....for the State.

The petitioner claims for a direction on the Pradhan, Saguna Gram Panchayat to issue a death certificate in respect of her alleged deceased husband, Nirmal Kumar Nandi incorporating her name as the wife.

It appears that the Sub-Registrar (Birth & Death), Saguna Gram Panchayat had issued a death certificate on August 16, 2021, in respect of death of Nirmal Kumar Nandi, wherein the name of the wife has been mentioned as 'Purnima Nandi'. The petitioner claims to be the legally married wife of the deceased. Such prayer is made in order to claim the terminal benefit of the deceased.

It appears that there is a dispute with regard to the identity of the spouse of the deceased.

The petitioner relies on a document which is Annexure P-1 to the writ petition. The same is a certificate issued by the Deputy Commandant, 72 BN BSF. The details of the family members of the deceased has been mentioned therein. The petitioner has been mentioned as the wife in the service book of the deceased. Whereas, Purnima Nandi has been mentioned as the wife of the deceased in Annexure P-2 at page 14 which is the death certificate issued by the authority.

The identity of the petitioner as the wife of the deceased cannot be established by any death certificate. The identity of Purnima Nandi cannot also be established on the basis of the fact that her name had been mentioned in the death certificate as the wife of the deceased. The value of the death certificate is only restricted to an official recording of the factum of death of the person. The date and the time of death are recorded.

The State respondents have filed a paragraph-wise comments prepared by the Block Development Officer, after holding an enquiry. It appears that the death certificate was issued to Purnima Nandi after being satisfied with the documents which were submitted by the said lady. When the petitioner filed a complaint, the matter was reported to the District Magistrate & District Registrar of Birth and Death,

Nadia for necessary instruction. A field enquiry was conducted and the enquiry report was duly forwarded to the District Municipal Development Officer.

The enquiry report has been produced. A detailed enquiry was made by the Sahayak, Saguna Gram Panchayat, Executive Assistant, Saguna Gram Panchayat and Block Informatics Officer, Kalyani, Nadia. The report indicates that Purnima Nandi had obtained the death certificate from the concerned gram panchayat after producing the relevant documents. The Aadhar, EPIC, Post-Marriage Affidavit and testimonies of the local people revealed that Purnima Nandi was the wife of Nirmal Kumar Nandi. The petitioner was not found to be residing at the address of the deceased. There was no proof that the deceased was a resident of No. 2, Lichutala, Saguna, Chakdah, Nadia. The neighbours also informed the enquiry team that Gayatri Nandi was also a wife of the deceased but she was not residing with the deceased for a long time.

Having heard the rival contentions, this court holds that a mandamus cannot be issued upon the Pradhan, Saguna Gram Panchayat directing the said pradhan to supply a death certificate to the petitioner incorporating the name of the petitioner as the wife of the deceased in place of Purnima Nandi. Clearly,

there is a dispute with regard to the status of Gayatri Nandi and Purnima Nandi and their relationship with the deceased. Death certificate is not a document of title of the heirs of the deceased.

The petitioner is at liberty to approach the appropriate forum for declaration of her status. The petitioner is also at liberty to approach the appropriate authorities and pray for necessary preventive orders with regard to disbursement of the death benefit in favour of Purnima Nandi. If any representation is filed, a hearing shall be given to both the parties.

Accordingly, the writ petition is disposed of without any orders.

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.)