

Item No.4

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.04.2024
Ct-24

WPA 5120 of 2024

Susnigdha Biswas

v.

The State of West Bengal & Ors.

Mr. Mohinoor Rahaman

Mr. Prabir Das

Mr. Maria Rahaman

... for the petitioner.

Mr. Srijan Nayak

Mr. Rituparna Maitra

... for the Municipality.

Ms. Munmun Ganguly

Ms. Rupsha Chakraborty

... for the State.

The petitioner is the mother of a minor child. She obtained divorce on mutual consent from the competent Court. The daughter of the petitioner was all along in her custody. The father of the petitioner never claimed custody of the minor daughter.

The petitioner prays for a direction upon the Municipality to permit her to replace the surname of the minor child from her biological father's surname to her mother's surname.

The petitioner relies upon the judgment delivered by this Bench in a similar issue on 29th February 2024 in **WPA 88 of 2023 (Arpita Chowdhury v. Nabadwip Municipality & Anr.)**.

From the documents annexed to the writ petition it appears that a representation was filed before the Sanitary Inspector, Balurghat Municipality on September 1, 2023.

The Sanitary Inspector will not be the appropriate authority to decide the issue.

The Registrar of Births and Deaths is the authority to maintain records of the citizens.

The petitioner is, accordingly, directed to apply before the Registrar of Births and Deaths for effecting necessary correction in the birth certificate issued in favour of the minor child of the petitioner in the light of the observations made in the judgment referred to hereinabove.

Prior to taking a decision in the matter, an opportunity of hearing shall positively be given to the biological father of the minor child.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of filing the representation by the petitioner.

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.

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(Amrita Sinha, J.)