

S/L 11
03.10.2024
Court. No. 551
Sourav

WPA 17115 of 2024

Smt. Bhaswati Ray Choudhuri
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. S. K. Das
Mr. Debdutta Saha

...for the petitioner.

Ms. Tanushree Dasgupta

...for K.M.C.

1. The affidavit-of-service as filed today is taken on record.
2. Drawing attention to page no. 31 of the instant writ petition, it is submitted on behalf of the writ petitioner that the present writ petitioner was the widow of the deceased Satya Jit Bandopadhyay alias Satyajit Bandopadhyay alias Satyajit Banerjee.
3. It is submitted further that during the lifetime of the said deceased, the relationship of the writ petitioner and the said deceased was not cordial and accordingly, the present writ petitioner was residing separately from her husband who is no more in the earth now. It is submitted that immediately after coming to know about the factum of death of her deceased husband, the writ petitioner has obtained a death certificate of her deceased husband and to her utter surprise, she noticed that instead of the name of the writ petitioner the name of one Manisha Banerjee is written in the said death certificate as the wife of the deceased.

4. The writ petitioner, thereafter, approaches the Kolkata Municipal Corporation for correction of the name of the wife of the deceased which was, however, not considered favourably by the Kolkata Municipal Corporation and accordingly, the respondent no. 4 under cover of its letter dated 26.06.2023, declined to incorporate the name of the writ petitioner in the death certificate of the deceased instead of one Manisha Banerjee.
5. For effective adjudication of the instant *lis*, the relevant portion of the letter dated 26.06.2024 (at page no. 31 of the instant writ petition) is required to be looked into and the same is reproduced hereinbelow in verbatim:

“In response to your letter, as received by the Department on 29.04.2023 and in relation to the stated issue, this is to inform you that the Department is not in a position to rectify any death data in the death certificate of Satya Jit Bandopadhyay, until we receive all the relevant certificate death information of the said deceased person’s from the concern Medical Practitioner.”

6. On perusal of the aforesaid communication, it does not appear to this Court that the respondent no. 4 acted contrary to the statutory rules regarding the correction of the death certificate. In further considered view of this Court, this Court being a writ Court has got no machinery to assess as to whether there existed at all any relationship of husband and wife between the deceased and the writ petitioner.

7. In view of such, this Court finds no reason to interfere with the communication dated 26.06.2023 as written by the respondent no. 4 herein and accordingly, the instant writ petition being **WPA 17115 of 2024** is hereby dismissed.
8. There shall be, however, no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)