

D/L 46
24.09.2024
Rohit
ct.no.7

W.P.A.21114 of 2024

**Kajal Bera
Versus
State of West Bengal and others**

Mr. Devi Priya Mitra
Ms. Juin Dutta Chakraborty
Mr. Bidan Modak
...for the petitioner.

Mr. Biswaroop Bhattacharya
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
Ms. Nilanjana Ghorui
...for the respondent no. 4 & 5

Mr. Wasim Ahmed
Sk. Md. Masud
...for the State.

The petitioner has prayed for a direction upon the respondent Nos. 2 and 3 to take steps on the basis of the written complaint made by the petitioner which is annexed at Page 22 of the writ petition.

The learned advocate appearing for the petitioner submits that the petitioner applied for issuance of an heirship certificate from the respondent no.4 who is the pradhan of the concerned

Gram Panchayat. The Panchayat Pradhan has been impleaded by name in the writ petition.

Mr. Bhattacharya, learned Advocate representing the respondent nos. 4 and 5 submits that alleging inaction on the part of the police authorities the petitioner approached the concerned Magistrate under Section 156(3) of the Criminal Procedure Code. He submits that the Magistrate by an order dated 23.04.2024 fixed 3rd May, 2024 for filing compliance report. He submits that since the petitioner has availed the statutory remedy under the relevant statute, this writ petition should not be entertained. In support of such submission he placed reliance on the decision of the Hon'ble Supreme Court in the case of ***Arunima Baruah-Vs- Union of India and Others*** reported in **2007 (6) SCC 120**.

Learned Advocate appearing for the State submits that the concerned Magistrate, by an order dated 29.06.2024, dropped the miscellaneous petition filed by the petitioner under Section 156(3) of the Code.

Heard the learned advocates for the parties and perused the materials placed on record. It is not in dispute that alleging inaction on the part of the police authorities, petitioner approached the ACJM, Uluberia with a petition under Section 156(3) of the

Code. Such petition was dropped by the concerned magistrate by an order being No.2 dated 29.06.2024. This writ petition was filed subsequent to the order passed by the concerned ACJM dropping the miscellaneous petition. The petitioner did not disclose the fact that she has approached the concerned ACJM for the self-same reliefs. The Hon'ble Supreme Court in ***Arunima Baruah*** (supra) observed that the Court would not ordinarily permit a party to pursue two parallel remedies in respect of the same subject matter.

Since the petitioner approached the concerned ACJM, this Court is not inclined to grant any relief in favour of the petitioner in this writ petition. However, the question as to whether the Panchayat Pradhan is authorized under the Panchayat Act to issue an heirship certificate is left open.

With the above observation the writ petition stands disposed of.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)