

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 939 of 2024

**Mansur Ali and Anr.
Versus
The State of West Bengal and Ors.**

Mr. Abhishek Sen, Adv.

... for the petitioners

Mr. Subir Kumar Saha

Mr. Anirban Banerjee

... for the respondent nos.1 to 4

Mr. Sourav Ganguly, Adv.

Mr. Abhishek Sarkar, Adv.

Mr. Gopal Roy, Adv.

Ms. Rishita Chakraborty, Adv.

... for the respondent nos.7 and 8

Mr. Abhishek Sen, learned counsel, is appearing for the petitioner. Mr. Subir Kumar Saha along with Mr. Anirban Banerjee, learned counsel, is appearing for the respondent nos.1 to 4. Mr. Sourav Ganguly, learned counsel, is appearing for the respondent nos.7 and 8.

The petitioners have filed the present writ application challenging the legal heir certificate dated 29.06.2021 issued by the Pradhan, Parangerpar Gram Panchayat certifying that Mohammad Abdul Miya son of Mohammad Kona Miya died on 5th March, 1999 leaving behind the

legal heirs, namely, 1) Mamud Ali, 2) Fatema Bibi, 3) Anayet Ali, 4) Chenayet Ali and 5) Mansur Ali.

Counsel for the petitioners submits that the Pradhan has no authority to issue legal heir certificate and as such, the legal heir certificate issued by Pradhan is liable to be quashed.

Counsel for the petitioner is relying upon the order passed by the co-ordinate Bench of this Court in W.P. No.5538 (W) of 2014 dated 7th April, 2014 in which the said issue was in question and this Court was of the view that Pradhan cannot issue legal heir certificate.

Learned counsel for the respondent nos.7, 8 and 9 has drawn the attention of this Court to the paragraph 3 of the writ application which reads as follows :-

“3. That the petitioners state that the said Mohammad Abdul Miya @ Abdul Mohammad @ Abdul Gafur Mia, who died intestate leaving behind him four sons and one daughter namely, Mamud Ali, Anayet Ali, Chenayet Ali, Mansuri Ali and Fatema Bibi as his Legal Hiers and Successors.”

Considered the submission made by the counsel for the respective parties. Perused the materials on record and the order passed by the co-ordinate Bench of this Court.

This Court finds that the petitioners are also the legal heirs of late Mohammad Abdul Miya @ Abdul Mohammad @ Abdul Gafur Mia as mentioned in paragraph 3 of the writ application. The petitioners admitted that the legal heirs as mentioned in the legal heir certificate issued by the Pradhan but the only question before this Court whether the Pradhan can issue the legal heir certificate or not, this Court is of the view that Pradhan has no authority to issue the legal heir certificate and as such, the legal heir certificate issued by the Pradhan, Parangerpar Gram Panchayat is hereby set aside and quashed.

WPA No. 939 of 2024 is allowed.

(Krishna Rao, J.)