

N.22S1

WPA 2800 of 2025

151/CL

14.11.25

SI-241

Ct.551

(S.R.)

Tapasi Sarkar

v.

The State of West Bengal & Ors.

Mr. Sayan De

Mr. Sayan Kanjilal

Ms. Esha Acharya

... for the petitioner.

Mr. Amal Kumar Sen, Ld. AAG

Ms. Ashima Das (Sil)

... for the State.

1. Affidavit of service as filed today on behalf of the petitioner is taken on record.
2. None appears for the respondent nos.6 and 8. The State respondents are represented.
3. Relying on the affidavit of service filed today, it is submitted by the petitioner that the writ petition has been served upon the Gram Panchayat and that the respondent no.8 has refused to accept service.
4. In such view of the matter, this writ petition is taken up for hearing.
5. In this writ petition, the writ petitioner has challenged an heirship certificate dated February 23, 2023 issued by the Pradhan, Baidyapur-1 Gram Panchayat (respondent no.6). By the said certificate it has been certified that the respondent no.8 i.e. Sri Gautam Sarkar is the son of Late Nishikanta Sarkar. The petitioner claims to be the daughter of Late Nishikanta Sarkar.

6. The petitioner submits that the said certificate is absolutely baseless. In support of his contention that the respondent no.8 i.e. Sri Gautam Sarkar is not the son of Late Nishikanta Sarkar, the petitioner has brought on record an order dated May 29, 2025 passed by the Electoral Registration Officer, 90 – Ranaghat Dakshin (S.C.) A.C. whereby, on the complaint filed by the writ petitioner it has been found that Gautam Sarkar is the son of Late Panchanan Sarkar and not Late Nishikanta Sarkar.
7. Learned advocate appearing for the State respondents submits that the Pradhan of the Gram Panchayat has no authority to issue an heir ship certificate.
8. It has been brought to the notice of this Court that an Hon'ble Division Bench of this Court in the case of **Lakshan Baidya vs. State of West Bengal & Ors.** reported at **2018 SCC OnLine Cal 11411 : 2018(4) CHN 321** has held thus:

“9. We not only affirm the impugned judgment and order passed by the learned Single Judge, we even find it quite amusing to note the antics of the Pradhan of Sikharbali 1 Gram Panchayat. It seems that the concerned Pradhan has arrogated unto himself the role of a Court of law. Not only as the Pradhan of a Gram Panchayat made a mockery of himself, he has demeaned his office in the process.

10. In a judgment rendered by one of us (Biswanath Somadder) as far back as in the year 2014, in W. P.

5538 (W) of 2014 (Parbati Gayen v. The State of West Bengal) on 7th April, 2014, made the following observation:

“This Court is unable to comprehend as to the basis of the authority of a Pradhan of a Gram Panchayat to issue legal heir certificate. A succession certificate can only be issued by a competent Court of law.”

9. In view of the binding authority of the Hon'ble Division Bench, the heirship certificate must be held to be invalid, even without referring to the order dated May 29, 2025 issued by the Electoral Registration officer, which has been brought on record by the writ petitioner by way of the supplementary affidavit. This Court accordingly holds so. The said certificate, which has been impugned in the writ petition shall not be used for claiming any right as an heir of Late Nishikanta Sarkar.
10. WPA 2800 of 2025 stands disposed of with the above observations. There shall, however, be no order as to costs.
11. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)