

20.03.2025
Sl. No. 112
Ct No. 3
SG

WPA 3299 of 2025

**Sobharani Mondal @ Sovarani Mondal and Ors.
Vs
The State of West Bengal & Ors.**

Mr. Pratik Dhar, Sr. Adv.
Ms. Sudeshna Mondal.
...for the petitioners

Ms. Tanushree Dasgupta,
Ms. Suranjana De Sarkar,
Ms. Piyali Sengupta.
...for KMC

Ms. Sabnam De Bardhan,
Mr. Manas Kundu.
...for the State

1. The petitioners have filed the present writ petition challenging the order dated 18.11.2024 passed by the Chief Municipal Health Officer, Health Department, Kolkata Municipal Corporation, whereby the Respondent Corporation refused to change the name of the father of the petitioner No. 3 in his birth certificate .

2. This is the second round of litigation. The petitioners had approached this Court earlier in WPA 25941 of 2024.

3. It is the case of the petitioners that petitioner no. 1 had made a representation before the Kolkata Municipal Corporation on 03.10.2024 seeking correction in the birth certificate of petitioner no. 3.

Learned Counsel for the petitioners submit that the name of the father of the petitioner no. 3 has been wrongly recorded as Dulal Chandra Mondal instead and place of Samir Kumar Mondal. This Court vide order dated 22.10.2024 in the earlier writ petition had given a direction to the Kolkata Municipal Corporation to consider the representation of the Petitioner dated 03.10.2024 for correction in the birth certificate. The municipality was directed to pass a speaking order. In view of the direction passed by this Court in the earlier writ petition, Kolkata Municipal Corporation has passed a speaking order on 18.11.2024. The same is under challenge in the present proceedings.

4. It is the contention of the learned Senior Counsel, Mr. Dhar that at the time of deciding the representation, his clients inadvertently could not produce two crucial documents before the Chief Municipal Health Officer, Health Department, Kolkata Municipal Corporation. One is the DNA certificate and another is the duly sworn affidavit of the father of Petitioner No.3. It is the submission of the learned Senior Counsel, Mr. Dhar is that the application which has been filed under Section 455 of the Kolkata Municipal Corporation Act shall have words 'affidavits of two persons'. It is contended by him that in his earlier application, the Petitioner only submitted the

affidavit sworn by the mother and not the father, i.e, Samir Kumar Mondal. According to Mr. Dhar, this has led to a wrong decision by the Kolkata Municipal Corporation since all the documents were not presented before the Chief Municipal Health Officer, Health Department, Kolkata Municipal Corporation while passing the order dated 18.11.2024. In view of the same, Learned Senior Counsel, Mr. Dhar seeks liberty from this Court to make a fresh representation annexing all the relevant documents so that a fresh adjudication can be taken regarding the correction in the birth certificate.

5. In view of the submissions made by the learned Counsel for the Petitioner, this Court grants liberty to the petitioners to file a fresh application for change the name of the father on the birth certificate along with all necessary documents within a period of two weeks. The Kolkata Municipal Corporation is directed to decide his representation within a period of four weeks thereafter, after affording an opportunity of hearing to all necessary parties and pass a speaking order thereafter.

6. With the above direction, the present writ petition is disposed of.

7. There shall be no order as to costs.

8. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)