

A594

04-12-2025

AKG

Ct. 15

WPA 12827 of 2024

**Jan Ali Khan & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ram Chandra Guchhait

...for the Petitioners

Mr. Santanu Kr. Mitra,
Mr. Amartya Pal

...for the State

The petitioners allege that they are the sons of one Late Indad Ali, who died on August 21, 2001. Respondent nos. 10 and 11, who are the daughters of Late Indad Ali, allegedly obtained a death certificate from the Sub-Registrar, Birth and Registration Office, Kalinidi Gram Panchayat, Ramnagar II, Mandarmoni, Purba Midnapore (respondent no. 6), wherein the date of death was recorded as April 12, 2001.

The petitioners contend that the said death certificate was procured with the intention of casting doubt on certain gift deeds executed by Late Indad Ali, in favour of the petitioners, suggesting that they were forged or invalid. The deeds were produced in connection with a Title Suit which was dismissed for default on January 4, 2024.

It is submitted that the date of death was incorrectly recorded in an attempt to create an impression that said deeds of gift—executed after April 12, 2001—were invalid,

whereas the petitioners assert that the deeds were executed in June 2001 during the lifetime of Late Indad Ali.

There is no occasion in this writ proceeding to adjudicate the validity of the deeds in question. However, if the date of death has been incorrectly mentioned in the death certificate issued by respondent no. 6, the matter requires appropriate administrative consideration.

It appears that the petitioners have already submitted a representation to respondent no. 6 by a letter dated April 8, 2024, seeking correction of the date of death in the death certificate.

In view of the foregoing, respondent no. 6 is directed to consider the said representation in accordance with law and to pass a reasoned order within six weeks from the date of communication of this order. In arriving at a decision, respondent no. 6 shall afford an opportunity of hearing to the petitioners and all other concerned parties.

The parties shall be at liberty to produce documentary evidence in support of their respective claims.

It is clarified that this Court has not entered into the merits of the dispute. Respondent no. 6 shall decide the matter independently and without being influenced by any observation made in this order.

Accordingly, **WPA 12827 of 2024** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)