

24.09.2025  
Sl. No.1(DL)  
Ct. No.42  
srm

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**W.P.A. No. 21281 of 2024**

**Hasanul Sk. & Anr.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Udaynarayan Betal,  
Mr. Bhaskar Hutait

...for the Petitioners.

Mr. Pankaj Halder,  
Ms. Debleena Dasgupta

...for the State.

1. This matter is appearing in the list under the heading "*For Orders*".
2. By the present writ petition, the petitioners seek for quashing of the resolution dated 30<sup>th</sup> May, 2023 taken by the respondent Gram Panchayat (Annexure P-4) declaring the petitioners and the private respondent No.7 as heirs of late Rustam Sk.
3. The petitioners contend that their father, namely Rustam Sk. died on 21<sup>st</sup> June, 2022. The mother of the petitioners predeceased their father. The father of the petitioners died leaving behind his only two sons, namely, the petitioners herein. Upon death of the father, the petitioners applied for obtaining death certificate from Tenkaraipur Balumati Gram Panchayat and death certificate was issued by Sub-Registrar (Birth & Death), Gram Panchayat on 26<sup>th</sup>

July, 2022. On the date the petitioners went to collect the death certificate of their father they came to know that private respondent Mahammad Saharab Sk. has applied for legal heir certificate claiming to be the only legal heir of their father. The private respondent has no connection with the father of the petitioners. Being aggrieved by the resolution dated 30<sup>th</sup> May, 2023 taken by the local gram panchayat declaring the petitioners as well as the private respondent as legal heirs of late Rustam Sk., the petitioners have preferred this present writ petition seeking for quashing of the said resolution of the local Gram Panchayat as well as its consequential actions.

4. Mr. Udaynarayan Betal, learned Advocate for the petitioners submits that the Gram Panchayat has got no authority to issue legal heir certificate. It is only the civil court which can grant legal heir certificate. He seeks for quashing of the resolution dated 30<sup>th</sup> May, 2023. He relies on the decision of the Hon'ble Division Bench of this Court in *Lakshan Baidya versus The State of West Bengal & Ors. (In Re: MAT 498 of 2018)*.

5. Mr. Pankaj Halder, learned Advocate for the State also submits that there is no such provision in the West Bengal Panchayat Act, 1973 which authorises the local Gram Panchayat to issue legal heir certificate.

6. Despite service, none appears on behalf of the Pradhan, Tenkaraipur Balumati Gram Panchayat, respondent No.6 and private respondent No.7.
7. The only issue which has fallen for consideration is whether the Gram Panchayat has got any authority to issue legal heir certificate.
8. The aforesaid issue is no more *res integra*.
9. The Hon'ble Division Bench in *Lakshan Baidya (supra)* in the similar circumstances observed as follows:

*"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 demarcated his office in the process.*

*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 vs. The State of West Bengal & Ors.) on 7<sup>th</sup> 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.'*

10. In view of the above, it is found that the local Gram Panchayat has got no authority to issue legal heir certificate.
11. Accordingly, the impugned resolution dated 30<sup>th</sup> May, 2023 passed by the respondent No.5, Tenkaraipur Balumati Gram Panchayat declaring the petitioners and the private respondent No.7 as legal heirs of late Rustam Sk and its consequential actions, if any, are hereby set aside.

12. However, parties are at liberty to approach competent forum in accordance with law, if so advised.
13. The writ petition being **WPA 21281 of 2024** is disposed of.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

**(Bivas Pattanayak, J.)**