

05.05.2025
Sl. No.12
Ct.3/ tkm

W.P.A. 26601 of 2024
[Aniruddha Lahiri vs. State of West Bengal & Ors.]

Mr. Sarajit Sen
Mr. Sasanka Kr. Mandal
Mr. P Mitra

... .. for the petitioner

Mr. Rajendra Chaturvedi
Ms. Somashree Dey

... .. for the State

Mr. Gautam Lahiri

... .. for Serampur municipality

1. Affidavit of service is taken on record.
2. The petitioner has preferred the present writ petition, being aggrieved by the inaction on the part of the respondent municipality in refusing to issue the death certificate of his aunt, late Pranati Bhattacharya.
3. It is the case of the petitioner that he is a nephew of deceased Pranati Bhattacharya, who expired on 26.4.2024. She was pre-deceased by her husband on 25.7.2000 and her only son on 20.4.2021. The petitioner, being the nephew of the deceased, performed all kind of death rituals and applied for her death certificate. However, respondent municipality refused to issue the same and had asked the petitioner to produce the legal heir certificate from the competent judicial magistrate as mandatory document.

4. It is submitted that as per section 363 of the West Bengal Municipal Act 1993 the respondent municipality is under a statutory obligation to issue a death certificate irrespective of the identity of the applicant.
5. In view of the above, the petitioner preferred the present petition.
6. Learned counsel for the respondent municipality submits that the petitioner had not submitted any application to the concerned municipality. However, the claim is not supported by the documentary evidence placed on record, which clearly indicates that the petitioner has duly submitted such application.
7. This court has heard the arguments advanced by the parties and has carefully perused the documents placed on record.
8. Learned counsel for the petitioner has heavily relied upon the judgment passed by the coordinate Bench of this court in WP 7829(W) of 1999 (Smt. Bula Sen vs. Commissioners of Uttarpara Kotrung Municipality & Ors.) whereby the scope and applicability of section 363 of the West Bengal Municipal Act 1993 was interpreted. Section 363 of the said Act reads as follows :

*“Registration of births and deaths –
Subject to the provisions of the Registration of*

Births and deaths Act, 1969, the Board of Councilors shall cause a register to be maintained wherein the births and deaths taking place within the municipal area shall be entered and extracts of information therefrom shall be supplied, on application, in such form a certificate and on payment of such fees as may be prescribed.

Upon bare perusal of the above section it does not appear that the same stipulates any criteria for making an application for birth and or death certificate by a particular person or a particular relative. Nor does the same authorizes the municipality to make a choice between the applicants to whom it should be supplied.

The Register of Births and Deaths being in the nature of a public document, the Municipalities/Municipal Corporations are under obligation to supply certified copies of it's extract to the applicants whoever will apply for the same upon payment of requisite fees and costs, as the case may be, without making any enquiry as to the entitlement to the same or the relationship of the applicant with the deceased."

9. In view of the settled principle of law laid down in the said decision, this court directs the Serampur municipality to accept and process the application of the petitioner for issuance of death certificate in respect of his aunt, late Pranati Bhattacharya.

10. The petitioner submits that he will file a fresh application within a period of one week along with all requisite fees. After filing of the said application, the respondent municipality is directed to issue the death certificate within a period of three weeks thereafter.

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

(Gaurang Kanth, J.)