

01.05.2025
Item No.02
PG/KS
Ct. No.446

W.P.A. 28213 of 2024
With
I.A. No. CAN 1 of 2024
Sarat Kumar Pramanik
Versus
The State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Milan Maity
Mr. Sk. Abu Jafor
Ms. Rupannita Laha
Mr. Kazi Asif Iqbal.....for the petitioner.

Mr. Ansar Mondal
Mr. Asish Dutta.....for the State

1. An application is filed for addition of party. However, none appears on behalf of the applicant in respect of the said application. Accordingly, I.A. No. CAN 1 of 2024 is dismissed.
2. The matter pertains to warisan certificate granted in favour of Jharna Rani Dasi by the Pradhan being the respondent no. 7.
3. It is the case of the petitioner that by virtue of a warisan certificate issued by the Pradhan in favour of the person, who has no right, title and interest in respect of the disputed plot but her name has been recorded in the finally published LR record. Challenging the said record of rights, one matter is now pending before the WBLRTT. However, the basis on which the LR record was prepared, is the heirship certificate and accordingly, in order to cancel such certificate, the petitioner addressed a letter dated 17th July, 2024 to the said respondent no. 7 for cancellation of the said heirship certificate. It was duly sent through the registered post with acknowledgement due but no reply has been given and

therefore, the petitioner has come up before this Court to cause necessary enquiry regarding steps taken for cancellation.

4. The learned advocate appearing on behalf of the State raises objection.
5. None appears on behalf of the private respondent. Fact remains the disputed plot was recorded in the name of Panchu Moni Dasi and after his demise in the name of her son and thereafter in the name of Jharna Rani Das being the legal heir of said Agarnath Pramanik. The petitioner claims to be the son of Panchomoni and denies any right, title and interest of said Agarnath Pramanik or Jharna Rani Dasi. They have challenged the LR Record of Rights before the B.L. & L.R.O. at present pending before W.B.L.R.T.T. On 15.07.2024 he informed the B.L. & L.R.O. about the wrong recording in the Record of Rights on the basis of forged deed. On 17.07.2024 he prayed before the Respondent No.7 to cancel the said heirship certificate. However, those persons in whose names were recorded in the LR record after following a procedure has not been impleaded. Moreover, by virtue of sale deed executed on different time, interest of other persons have accrued therefore. In absence of any of them, no such prayer can be allowed.
6. The dispute can be addressed if a comprehensive written representation is submitted before the respondent no.2, the District Magistrate, Birbhum for his consideration. Such representation and authority of Pradhan to issue any heirship certificate is to be submitted before the respondent

- no. 2 within a period of 10 days from the date of receipt of the server copy of this order.
7. Upon receipt of such representation, the District Magistrate to consider the same and make necessary inquiry regarding the issuance of such heirship certificate and will give a reply to the present petitioner after affording an opportunity of hearing to all the interested parties in respect of the disputed plot number.
 8. The District Magistrate is further directed to dispose of the matter preferably within a period of 4 weeks from the date of receipt of the application after complying all the necessary formalities and shall communicate a reasoned decision upon all the interested parties within a fortnight thereafter.
 9. In view of the above, the writ petition is disposed of.
 10. Since no affidavit has been called for, all the allegations levelled against the respondents shall not be deemed to have been admitted.
 11. No costs.
 12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(CHAITALI CHATTERJEE (DAS), J.)