

Item No.6
10.09.2025
Court. No. 1
SP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

MAT/75/2025
[In WPA 553/2025]

MOMENA KHATOON@MAMENA KHATUN
VS
THE STATE OF WEST BENGAL AND ORS

Mr. Arnab Saha, Adv.
Mr. Soyeb Aktar, Adv.

... for the Appellant.

1. This appeal arises out of an order dated August 1, 2025, passed in WPA 553 of 2025. The petitioner is aggrieved by the direction of the learned Single Judge upon the District Magistrate and the Superintendent of Police Alipurduar to cause an investigation with regard to the facts behind issuance of two death certificates. The petitioner is the daughter of the deceased. The petitioner's contention in the writ petition was that a representation dated July 5, 2024 seeking cancellation of the death certificate issued in the name of Osman Ali dated December 3, 2012 had not been disposed of. According to the petitioner, the death certificate bearing no. 70/2012 had already been issued. The petitioner

contended that the said certificate was genuine and the second certificate which was issued sometime in December 3, 2012 was liable to be cancelled.

2. The learned single Judge directed the District Magistrate to make an enquiry and if necessary take assistance of the Superintendent of Police to find out which of the two certificates was genuine. The Superintendent of Police was also directed to cause an investigation if required in order to facilitate the District Magistrate to come to a conclusion.
3. Learned advocate submits that the use of the expression "investigation" has created an uncomfortable and intimidating situation for the family members of the deceased. The police have been holding search in the houses and picking up people for query etc.
4. We do not find any illegality in the order passed by the learned Single Judge. Two death certificates were issued upon the death of a person whose name and date of death differed in the two certificates. The learned Judge found the same to be suspicious and directed an enquiry to be made. However, it is clarified that such

enquiry with the assistance of the police should not be harassing to the family but shall only be conducted to unearth the truth and the genuineness of the report. The necessary report as directed to be filed before the learned Writ Court. Accordingly, the appeal is disposed of without any interference with the order impugned.

5. Needless to mention if the petitioner is aggrieved by the report to be filed by the District Magistrate, such issue can be raised in the writ petition.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)