

In Re: Madhusudan Banerjee

Court: Calcutta High Court

Date of Decision: Jan. 14, 1983

Acts Referred: Calcutta Municipal Act, 1951 " Section 505, 507

Hon'ble Judges: P.C. Borooah, J

Bench: Single Bench

Advocate: P.K. Ghosh, Dipankar Chakravarty and Uma Roy, for the Appellant; Ramkrishna Dutta Chowdhury for Corporation of Calcutta and B.K. Chatterjee, for the Respondent

Judgement

P.C. Borooah, J.

Mr. Sambhu Nath Banerjee, an Advocate of this Court and formerly the Deputy Legal Remembrancer, West Bengal,

died on 9.6.82 at the S. S. K. M. Hospital, Calcutta, and his cremation took place at Bally, Howrah. The deceased's son Sri Madhusudan

Banerjee, an Advocate of this Court and the petitioner herein, applied to the Corporation of Calcutta for a death certificate of his late father and

the Chief Law Officer by a letter dated 22.9.82, copy of which is annexure "E" to the petition replied that as the cremation did not take place

within the Calcutta Corporation limits no certificate can be issued. The Bally Municipality also by a letter dated 8/9.9.1982, copy of which is

Annexure "C" to the petition, expressed its inability to issue a death certificate as the death took place in the S. S. K. M. Hospital in Calcutta. I

have heard Mr. P.K. Ghosh appearing on behalf of the petitioner and Mr. Ram-krishna Datta Chowdhury appearing on behalf of the Calcutta

Corporation Authorities. Mr. Ghosh has submitted that as the death of the petitioner's father occurred in the S. S. K. M. Hospital in Calcutta

within the jurisdiction of the Corporation of Calcutta, the medical officer in charge of the hospital was bound to furnish the relevant particulars with

regard to the deceased to the Health Officer of the Calcutta Corporation, who would issue a certificate in terms of section 507 of the Calcutta

Municipal Act, 1951 (hereinafter referred to as the Act) Mr. Datta Chowdhury, on the other hand, submits that according to the prevailing practice

of the Corporation a death certificate cannot be issued unless the cremation takes place within the Calcutta Corporation limits.

2. I am unable to appreciate Mr. Datta Chowdhury's submission. There is no provision in the Act which requires that cremation and/or burial

within the Corporation limits should be a condition precedent to the grant of a death certificate. On the other hand, section 505 read with the

second proviso of section 507 of the Act makes it clear that the medical officer in charge of a hospital where a death takes place is required within

a period of 12 hours to send to the health officer a written notice containing the particulars as laid down in Schedule XXI of the Act. Such an

information, copy of which is Annexure "D" to the petition, was sent to the Corporation Authorities. Therefore, I see no difficulty why the Chief

Health Officer cannot grant a death certificate to the petitioner.

3. I, therefore, mandate the Corporation Authorities to grant to the petitioner a death certificate relating to the death of late Sambhu Nath

Banerjee, Such certificate should be granted within a period of four weeks from date on the petitioner's paying the usual fees.

4. The application is thus disposed of. There will be no order as to costs. As prayed for, let a plain copy of this order duly countersigned be

handed over to the learned Advocate appearing on behalf of the petitioner.