

**IN THE COURT OF REVENUE DIVISIONAL COMMISSIONER,  
SOUTHERN DIVISION, ODISHA, BERHAMPUR**

ORTPS No. 06/2021  
(Order by Sri T. Ao, I.A.S,

Revenue Divisional Commissioner, (SD), Berhampur)

Decided on 01.10.2021

Rajendra Kumar Rayaguru  
S/o- Arjun Rayaguru,  
At- Sitaram Street, Po- Panigrahipentho  
Ps- Badabazar, Berhampur  
Dist- Ganjam .....Petitioner

**Versus**

Designated Officer-cum-Collector, Ganjam  
O/O the Collector & DM, Ganjam, Chatrapaur,  
At/Po/Ps- Chatrapur .....Respondent

**Prayer**

This revision petition was filed U/S-5 (1) of ORTPS Act, 2012 by the Petitioner for non-issuance of Guardianship Certificate by Designated officer-cum-Collector, Ganjam in favour of Ansuman Rayaguru (Grandson of petitioner). In this Case, the petitioner prays "to admit this appeal, call for the relevant records from the file of the Designated officer, issue notice to the parties and after hearing pass appropriate orders directing the Designated officer to issue the guardianship certificate as per the provision of law in force in the best interest of justice".

**Contention: -**

The petitioner Rajendra Kumar Rayaguru is the paternal Grandfather of Ansuman Rayaguru who was born on 27.5.2010. Unfortunately, Ansuman Rayaguru lost both his parents in the year, 2011 at the mere age of 11 months. Since then, he has been staying with his paternal Grandfather (Rajendra Kumar Rayaguru).



Rajendra Kumar Rayaguru is a 71 years old person and wants to secure future of his grandson by availing financial assistance and welfare schemes extended to the parentless child for which Guardianship certificate is necessary, being the sole guardian and care-taker of Ansuman Rayaguru (Grandson of petitioner). The said Ansuman Rayaguru being a minor furnished an application through his paternal Grandfather (Rajendra Kumar Rayaguru) for issue of Guardianship certificate through online portal of Govt. in Revenue and D.M. Deptt. addressed to Collector, Ganjam on 18.01.2021. But due to non-receipt of any response from the Designated Authority in this regard, Petitioner filed grievance petition through Whatsapp helpline number before designated officer and again sent reminder on 25.3.2021. Thereafter due to non-receipt of any response in the matter, the petitioner submitted grievance on 28.03.2021 through E-Abhijog No. OR149/E/2021/00166. The grievance of petitioner was forwarded to the Court Officer of Collector, Ganjam vide L.No.997/Grier, dated 30.03.2021 of ADM, Ganjam. But no reply was received on his petition. Thereafter the petitioner submitted grievance before Chief Minister's Grievance cell on 30.07.2021 vide E-Abhijog No. CMOFF/E/2021/11554. On receipt of the same from the office of Hon'ble Chief Minister, the court officer to Collector, Ganjam was asked by ADM, Ganjam to take appropriate action & to intimate action taken thereof vide L.No.1960/Griev Dtd.10.08.2021. But no response was also received from the Designated officer in this regard. Thereafter the petitioner filed RTI application in Collectorate, Ganjam with prayer for intimating the present status of the case. The Court officer to Collector, Ganjam furnished a reply under RTI Act vide L.No.2651/Jud Dtd.31.08.2021 wherein the petitioner was intimated that no such case has been registered in the court of Collector and D.M, Ganjam for issue of Guardianship certificate in favour of Rajendra Kumar Rayaguru and the petitioner has to apply offline as there is no provision for issue of Guardianship certificate through online. Hence the petition to direct the Designated Authority to issue Guardianship certificate in favour of the petitioner.



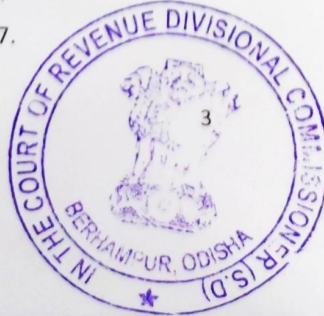


**Documents Enclosed:-**

1. Copy of Aadhar Card No.236073141417 of Rajendra Kumar Rayaguru, S/o- Arjun Rayaguru.
2. Copy of birth certificate of Ansuman Rayaguru, S/o- Aloka Ranjan Rayaguru and Kajal Rayaguru issued by BeMC, Berhampur.
3. Copy of Death Certificate of Kajal Rayaguru, W/o- Aloka Ranjan Rayaguru issued by MKCG Medical College Hospital, Berhampur.
4. Copy of Death Certificate of Aloka Ranjan Rayaguru, S/o- Rajendra Rayaguru issued by MKCG Medical College Hospital, Berhampur.
5. Copy of Legal heir certificate of Aloka Ranjan Rayaguru, S/o- Rajendra Kumar Rayaguru issued by Tahasildar, Berhampur on 28.02.2021.
6. Copy of Acknowledgement receipt of application dtd.18.01.2021 of Ansuman Rayaguru for issue of Guardianship certificate.
7. Copy of online Grievance application No. OR149/E/2021/00166 of Rajendra Kumar Rayaguru.
8. Copy of Online Grievance application No.CMOFF/E/2021/11554 filed in Chief Minister's Grievance cell on 30.07.2021.
9. Copy of RTI Application Dtd.23.08.2021.
10. Copy of L.No.1091 dtd.26.08.2021 of PIO, Collectorate, Ganjam forwarding application to Court Officer, Collectorate, Ganjam.
11. Copy of L.No.2651/Judl. Dtd 31.08.2021 of Court Officer, Court of collector, Ganjam addressed to PIO, Collectorate, Ganjam, Chatrapur.
12. Copy of L.No.1117 Dtd.07.09.2021 of PIO, Collectorate, Ganjam to Rajendra Kumar Rayaguru.
13. Statement of Ansuman Rayaguru Dtd.24.09.2021.

**ORDER**

This case was taken up for hearing on 24.09.2021. The Petitioner Rajendra Kumar Rayaguru was present in the Court and established his identity vide Aadhaar card No.236073141417.



The petitioner stood on the contention of his appeal petition during hearing. Master Ansuman Rayaguru was also present in the court and established his identity vide Aadhar No. 806147338912. Ansuman Rayaguru intimated the court that he is residing with his paternal Grandfather and paternal Grandmother from his childhood and reading in school and his Grandparents are taking care of him properly and submitted a written statement in this regard. The Court Notice was issued to the Designated Authority vide L.No.4076 Dtd.20.09.2021 through E-Mail with instruction to attend this court personally/through counsel/ official representative on 24.09.2021 at 11 AM along with PWC in the above petition. The matter was intimated over phone and it was also ensured that the notice was handed over on 21.09.2021 to Court Officer to Collector, Ganjam. But in spite of repeated telephonic persuasion, none appeared on behalf of the Designated Authority. Non-attendance of this court by the Designated Authority in spite of prior issue of notice indicates that the Designated Authority has nothing to submit as PWR/Counter reply against submission of petitioner in this appeal petition.

Rule 4 of Odisha Miscellaneous Certificate Rules,2019 of Revenue & D.M Department shows that (1)a person desirous of obtaining a Certificate shall file before a Revenue officer an application for issue of :

- i) Resident Certificate, in Form No.1;
- ii) Legal heir Certificate, in Form No.2;
- iii) Income Certificate, in Form No.3;
- iv) Income and Asset Certificate, in Form No.4;  
(for direct recruitment in civil posts and services and admission in educational institutions under Government of India)
- v) Income and Asset Certificate, in Form No.5;  
(for admission to specified educational Institutions under Government of Odisha)
- vi) Solvency Certificate, in Form No.6; and
- vii) Guardianship Certificate, in Form No.7;



by affixing Court fee stamps of denomination of three rupees or, such amount as may be prescribed by the State Government, from time to time:

Provided that where application is filed electronically, the application fee may also be realized through any electronic mode:

Provided further that the Government may also exempt the application fee for some or all such certificates under such conditions as may be specified.

(2) In case of minor or person incapable of managing his/her own affairs, the family members/ Guardian can file application before the Revenue Officer for issue of Certificates.

(3) The applicant shall submit the documents as mentioned in the Application Form prescribed for issue of each certificate.

Rule-6(5) of the said rules say that when the application is filed electronically, the certificate shall also be issued through electronic mode with digital signature of the Revenue Officer.

Rule6(7) of the above rules indicates that time limit for disposal of applications for issue of Guardianship certificate is thirty days.

### Findings.

- Copy of Acknowledgement receipt of application dtd.18.01.2021 of Master Ansuman Rayaguru for issue of Guardianship certificate shows that Registration number of his application for grant of Guardianship certificate was E-GRD/2021/00019 and deadline for disposal of the application was 17.02.2021.
- Copy of birth certificate of Ansuman Rayaguru, S/o- Aloka Ranjan Rayaguru and Kajal Rayaguru issued by BeMC, Berhampur shows that date of birth of Ansuman Rayaguru is 27.05.2010.
- Copy of death certificate of Aloka Ranjan Rayaguru issued by BeMC, Berhampur shows that date of death of Aloka Ranjan Rayaguru is 22.04.2011.
- Copy of death certificate of Kajal Rayaguru issued by BeMC, Berhampur shows that date of expiry of Kajal Rayaguru is 20.04.2011.





- Copy of Legal heir certificate of Aloka Ranjan Rayaguru, S/o- Rajendra Kumar Rayaguru issued by Tahasildar, Berhampur on 28.02.2021 shows that Anjali Rayaguru (Mother), Ansuman Rayaguru (Son) and Rajendra Kumar Rayaguru (father) have been declared as legal heirs of late Aloka Ranjan Rayaguru.
- Copy of L.No.2651/Judl. Dtd 31.08.2021 of Court Officer, Court of Collector, Ganjam addressed to PIO, Collectorate, Ganjam, Chatrapur, a copy of which was subsequently transmitted to Rajendra Kumar Rayaguru vide L.No.1117 dtd.7.9.2021 of PIO, Collectorate, Ganjam shows that the Court Officer to Collector, Ganjam has intimated therein that for issue of legal guardianship certificate, the application has to be filed in offline along with required documents as no such provision has been made at present to issue the Guardianship certificate through online.
- Statement of Master Ansuman Rayaguru Dtd.24.09.2021 recorded in the Court shows that Master Ansuman Rayaguru is residing with his paternal Grandfather and paternal Grandmother from his childhood and reading in school and his Grand parents are taking care of him properly.

Taking all the above facts into consideration this court arrives at the conclusion that:

(1) Odisha Miscellaneous Certificate Rules, 2019 came to effect on 15.10.2019. In the said rule, there is provision for electronic filing of application, issue of certificate through electronic mode with digital signature of the Revenue Officer with duration of issue of Guardianship certificate as 30 days.

(2) The application of Master Ansuman Rayaguru (Minor) was filed through his Guardian through electronic mode on 18.01.2021 and the application was Suo moto registered with allotment of online registration number E-GRD/2021/00019 on the date of application with last date of given time limit for disposal of application as 17.02.2021.

(3) Due to non-receipt of any communication relating to the application within the prescribed deadline, the Petitioner sent reminder through WhatsApp helpline number of Dist. Office on 22.03.2021 and again reminded on 25.03.2021.



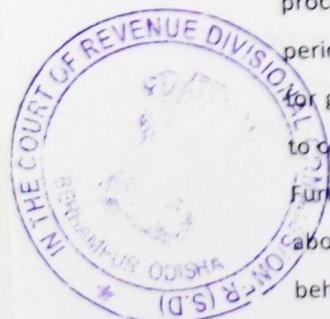
(4) Due to non-receipt of any response from the Designated Officer in the matter, the Petitioner filed e-Abhijog No. OR149/E/2021/00166 in grievance cell of Collector, Ganjam in this matter.

(5) Having failed to attract the notice of the Designated Officer towards long pendency of his application for grant of Guardianship Certificate, the Petitioner approached Chief Minister's Grievance cell on 30.07.2021 vide e-Abhijog No.CMOFF/E/2021/11554. But in spite of transmission of the same to the District Office, Ganjam from the office of Hon'ble Chief Minister, no intimation was given to the applicant regarding status of the application for Grant of Guardianship certificate by the Designated Officer.

(6) Ultimately the Petitioner filed an application under RTI Act to know the status of his application from PIO, Collectorate, Ganjam. A flimsy reply prepared by the Court Officer, Ganjam stating that there is no provision for grant of Guardianship certificate for application through online contrary to provisions of Odisha Miscellaneous Certificate Rules,2019 was communicated to the Petitioner.

This shows that from the start till today, so many days have elapsed, but no sincere step has been taken for disposal of the application. This compelled the Petitioner to file several petitions in various forum for finalisation of his legitimate prayer, but his application remained unfulfilled and no valid reason was provided for such inordinate delay. Moreover, there is no indication that the matter has even been processed though this is a timebound work which needs to be completed within a period of 30 days. Despite specific time provision, something as simple as application for grant of Guardianship Certificate has not been disposed compelling the Petitioner to come under ORTPS Appeal to this Authority.

Further, in spite of prior intimation via notice from this court regarding posting of the above case for hearing on 24.09.2021 at 11 AM, nobody was present in the court on behalf of Designated Officer even after repeated calls on phone and no reply on the notice issued from this court was received from the Designated Officer. This betrays a





serious lack of sensitivity for addressing legitimate prerogatives in public service delivery, not to mention scant appreciation for proper decorum of conduct before the Appellate Authority. Further also, non-response indicates that the Designated Officer has nothing to contest against the issues raised by the Petitioner.

It is clear that the documents submitted by the applicant in this case as narrated above indicate that the applicant possesses all relevant documents required for grant of Guardianship certificate in this case. It is clearly evident from prescribed form that the following documents are required to be submitted along with the application form for issue of Guardianship Certificate:

- 1) Birth Certificate (If minor)
- 2) Certificate in support of disability (if applicable)
- 3) Legal heir Certificate
- 4) EPIC/Aadhaar Card
- 5) Documentary evidence in support of receipt of pension/family pension/retirement/death gratuity etc. of the deceased.

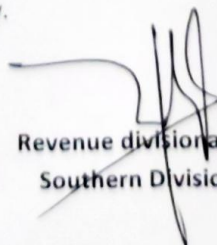
The above documents were cross verified at this Authority level and found in order.

As such this Authority allows this appeal Petition with direction to the Designated Officer-cum-Collector, Ganjam to take necessary action on the online application dtd. 18.01.2021 of the Petitioner and issue necessary Guardianship certificate under Odisha Miscellaneous Certificate Rules, 2019 taking all the documents submitted by the Petitioner into consideration within a period of 15 days from the date of receipt of this order. This, considering again that already more than 8 months have passed since the Petitioner had first filed online application on 18/1/21.

**Affirmative action taken in this matter (ATR) shall be transmitted to this Authority latest by 21/10/21.**

This appeal petition is disposed of accordingly.



  
Revenue Divisional Commissioner,  
Southern Division, Berhampur