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21.12.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9709 of 2021

Durga Sankar Bag
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Chandra Das,
Mr. Sk. Sahjahan Ali
...for the petitioner

Mr. Dwarika Nath Mukherjee,
Mr. Manik Lal De
...for the State

1. Affidavit-in-opposition filed by respondent no. 3 today be kept on record.
2. Learned counsel appearing for the petitioner submits that in view of the stand taken by the respondent no. 3 in his affidavit-in-opposition, no reply is intended to be filed.
3. It transpires from pleadings of the parties that upon ascertainment, the respondent no. 3 is now of the opinion that the deed-in-question indeed tallies with that of the petitioner, which was presented by the petitioner for registration. However, due to the ongoing police investigation regarding alleged forgery of the stamp papers put on the deed, the original is lying with the police-authorities.
4. It is submitted that if the document is returned to the Registering Authority for the limited purpose

of assessment of the stamp duty, the petitioner shall put in the said stamp duty and will be satisfied with a certified copy of the same.

5. In such peculiar scenario, the following order is being passed:

6. Upon the investigating agency/police, which is in charge of the investigation regarding the forged stamp papers on the deed of the petitioner being approached by the petitioner with a server copy of this order, the investigating agency/police shall act upon the same and shall hand over the deed, being No. 2094 dated April 30, 1990, containing the allegedly forged stamp papers, under a special seal and cover to the respondent no. 3, that is, the Additional District Sub Registrar, Patashpur, District-Purba Medinipur.

7. Such handing over shall be done within a week from the date of being approached by the petitioner.

8. Upon the same being handed over, the respondent no. 3 shall intimate the petitioner a particular date on which the petitioner shall be present and deposit the money equivalent of the stamp, which is alleged to be forged.

9. Upon receipt of such amount, the same will be treated to be sufficient equivalent of the stamp payable by the petitioner for registration of the deed. Accordingly, the respondent no. 3 shall

complete the registration of the deed. Thereafter, a copy thereof shall be retained with the office of the Registrar in accordance with law.

10. Immediately after such process is over, which is expected to be concluded within a month from the handing over of the document by the Investigating Agency to the respondent no. 3, the registered deed shall be returned to the police-authorities, along with the allegedly forged stamp papers for conclusion of the investigation.

11. In the event the petitioner applies for a certified copy of the registered deed, the same will be furnished by the Registering Authority in due process of law, subject to complying with the due formalities by the petitioner for getting such certified copy.

12. It is made clear that nothing in this order shall influence the ongoing investigation regarding the forged stamp papers in any manner whatsoever. The above order has been passed only to facilitate the completion of the registration of the deed, due to the inconvenience being suffered unnecessarily by the petitioner on such count.

13. W.P.A. No. 9709 of 2021 is accordingly disposed in the light of the above observations.

14. There will be no order as to costs.

15. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)