

ORDER SHEET
WP 414/2018
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ALKA PRAHLADKA
Versus
STATE OF WEST BENGAL & ANR.

BEFORE:
The Hon'ble JUSTICE TAPABRATA CHAKRABORTY
Date : 31st January, 2019.

Mr. S. Mukherjee, Adv.
Mr. A. Banerjee, Adv.

The Court : The present writ petition has been preferred primarily praying for the following relief:

"(a) A writ of or in the nature of Mandamus do issue commanding the respondent authorities to forthwith register the deed of conveyance dated 11th June 2002 duly entered in Book No.1 as Deed No.03953P in the year 2002 (as a pending deed) and to make over the original thereof to the petitioner subject to the petitioner making payment of the deposit stamp duty as notified vide letter dated February 23, 2017;"

Mr. Mukherjee, learned Advocate appearing for the petitioner submits that Satya Narayan Sarawgi and Vijay Sarawgi entered into an agreement with the petitioner for sale of a property, as detailed in paragraph 3(c) of the writ petition. Subsequent thereto, Satya Narayan Sarawgi expired on 10th July, 1996 and the sale deed was ultimately executed by Ajay Sarawgi and Vijay Sarawgi on 11th June, 2002. The said deed was presented for registration and the IGR Form was issued on 11th June, 2002. In the said IGR Form, it was indicated that the registration has been kept

pending subject to final determination and/or assessment of the stamp duty as payable. Subsequent thereto, the petitioner approached the Collector under section 47A of the Indian Stamp Act, 1899 and a proceeding being Case No. R.C. no.270/ARA-II for 2016 was initiated and an order was passed in the same on 23rd February, 2017 and the market value was assessed to be Rs.52,99,000/-. The petitioner thereafter approached the authorities for payment of the assessed amount. However, the registering authority did not accept the said amount and insisted towards production of the PAN Cards and the Adhar Cards of the vendors. Accordingly, the petitioner, by a representation dated 25th January, 2018, requested the vendors to furnish the said documents. The said vendors, however, did not respond to the said letter and as a consequence, the registration was kept pending. Aggrieved thereby, the petitioner has approached this Court.

Mr. Banerjee, learned Advocate appearing for the respondents submits, upon instructions, that though the requirement towards voter card and Adhar Card can be dispensed with, production of the PAN Cards of the vendors is mandatory in terms of the Government circulars. Let the written instruction, as produced, be kept on record.

In reply, Mr. Mukherjee submits that appropriate direction needs to be issued by this Court upon the vendors towards production of the PAN Cards.

Records reveal that the IGR Form pertaining to the deed was issued on 11th June, 2002. For a long period of about 14 years, no steps were taken by the petitioner. It was only in the year 2016 that the Collector was approached and the proceeding in case no. R.C. No.270/ARA-II for 2016 was initiated and the same was disposed of by an order dated 23rd

February, 2017. The requirement towards production of PAN Cards of the vendors is mandatory. The vendors are, however, not parties to the present writ petition.

In the said conspectus, it does not appear that the State respondents have denied to discharge any statutory obligation. It also does not appear that any legal right of the petitioner has been infringed warranting interference of this Court.

Accordingly, this Court is unable to grant the relief as prayed for and the writ petition is dismissed.

(TAPABRATA CHAKRABORTY, J.)

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