

ORDER SHEET  
WPO 132 of 2020  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

ALKA PRAHLADKA  
VS  
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : December 21, 2020.

Appearance:  
*Mr. Sukrit Mukherjee, Adv.*  
*Mr. Tanuj Kkrania, Adv.*  
*Mr. Aviroop Mitra, Adv.*  
*... for petitioner*  
*Mr. Aasif Hussian, Adv.*  
*Mr. Swapan Nath, Adv.*  
*...for respondent no. 3 & 4.*

The Court : The petitioner presented a deed for registration in the year 2002. Ultimately the document was registered provisionally, but in the meantime new rules had come into force mandating the parties to the deed to furnish several documents, including PAN card, Aadhar card etc. Ultimately the petitioner approached this Court, but their challenge to the direction to put in the requisite documents was turned down.

The petitioners now pray for a direction upon the registering authorities to issue summons under Section 36 of the Registration Act for the vendors to furnish their documents, at least the PAN card, as per requirement

of law for completing the registration process finally. Learned Senior Counsel appearing for the respondent authorities submits tentatively that as per the present rules, mere filing of an affidavit might obviate the need for furnishing PAN card or other documents.

Accordingly, WPO 132 of 2020 is disposed of by permitting the petitioner to furnish an affidavit as required by the current notification in force regarding dispensing of the documents of the vendor, primarily the PAN card. In the event the rules do not permit such affidavit to be conclusive for the purpose of issuing the registration number, the respondent authorities shall, within a fortnight from furnishing an affidavit by the petitioner, issue summons on the vendor for production the latter's Pan card under Section 36 of the Registration Act. Such process shall be concluded expeditiously to enable final registration of the document and issuance of the final registration number at the earliest.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)