

WPA 2674 of 2021

**Chabi Saha
Vs.
The State of West Bengal & Ors.**

(via Video Conference)

**Mr. Sandip Das
Mr. Sajalkanti Bhattacharyya
.....For the petitioner**

**Mr. Srijib Chakraborty
..... For the State**

The writ petition is taken up for consideration subsequent to the order dated April 7, 2021.

By the order dated April 7, 2021 parties were permitted to file affidavit. Learned advocate appearing for the State seeks extension of time to file affidavit-in-opposition.

In the facts of the present case, allowing an extension to file an affidavit on behalf of the State will not serve any fruitful purposes for the reasons as stated hereafter.

The petitioner entered into the conveyance for sale of an immovable property on December 24, 2019. Under the provisions of Section 23 of the Registration Act, 1908, four months was available to the petitioner to present the deed of conveyance for registration. The petitioner deposited the money for the purpose of registration on March 19, 2020 within the period of four months as stipulated under Section 23 of the Act of 1908. However, the petitioner could not present the deed for registration due to the

pandemic intervening and the declaration of lockdown on and from March 22, 2020. The office of the registering authority was also closed. A period of four months lapsed from the date of execution of the deed of conveyance. The petitioner made a representation to the registering authority which is yet to be finally decided. Petitioner relies upon orders of the Supreme Court extending the period of limitation.

In the facts of the present case, the registering authority is yet to decide as to whether they will allow the petitioner to register the document or not.

In such circumstances, it would be appropriate to request the petitioner to present the document for registration with the registering authority afresh. In the event the registering authority refuses to register the document it will pass a reasoned order thereon. The registering authority will pass a reasoned order within seven working days from the date of presentation of the document for registration. The registering authority is also at liberty to accept the document for registration, if it deems it appropriate to do so.

WPA 2674 of 2021 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Debangsu Basak, J.)