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(Through Video Conference)

WPA 1712 of 2020

Netai Charan Giri

Vs.

The State of West Bengal & Ors.

Mr. Arnab Mukherjee,
Mrs. Madhurima Mukherjee, Advocates
... ... for the Petitioner

Mr. Srijib Chakraborty, Advocate
... ... for the State

The petitioner seeks certified copy of the original deed of gift presented for registration.

Learned advocate appearing for the petitioner submits that a point of maintainability was raised on the previous occasion. According to him, the writ petition is maintainable since, the writ petitioner seeks certified copy of the deed of gift subject to any conditions that may be imposed by the court. At the time of execution and registration of the deed of gift, the doner and donee both were alive. Subsequent death of the doner, did not alter the material position. The certified copy of the deed that was presented for registration is required to be given to the petitioner.

The State is represented.

Learned advocate appearing for the State submits that the deed was retained on the ground that the stump paper used may be forged. He submits that there is criminal proceeding pending. This order should not prejudice such criminal

proceeding. The authorities are ready and willing to provide the certified copy of the deed presented for registration.

In such circumstances, the authorities will issue the certified copy of the deed presented for registration subject to the petitioner paying the deficit stamp duty, if there be any. This order will not prejudice the criminal proceeding that are pending or that may be initiated in respect of the stamp paper used. It is expected that the certified copy of the deed is made over to the petitioner within four weeks from the date of the stamp duty in respect of the deed being paid in full.

WPA 1712 of 2020 is disposed of accordingly.

(Debangsu Basak, J.)