

6th January,
2021
(AK)
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W.P.A 11159 of 2020

Kanailal Mallick
Vs.
The State of West Bengal & Ors.

Mr. Satyajit Mandal
Mr. Amar Nath Sen

...For the Petitioner.

Affidavit-of-Service filed in court today be kept on record.

The petitioner contends that a deed of transfer, in which the petitioner is a purchaser, was presented for registration but such registration was refused by the respondent authorities on the ground that the stamp papers, on which such document was executed, were forged.

Learned counsel cites several judgments, particularly those dated July 20, 2015 passed in W.P. 12613(W) of 2015 (Sibabrata Mandal Vs. The State of West Bengal & Ors.) and July 11, 2016 passed in W.P. 10840(W) of 2016 (Shyama Pada Das Vs. The State of West Bengal & Ors.), of coordinate benches of this court, in support of the proposition that, in similar cases, a certified copy of the document submitted for registration has to be furnished to the applicant upon proper application being made for obtaining such certified copy and on payment of proper fees as well as depositing an amount equivalent to the aggregate value of the stamp papers.

The facts of the present case being similar to those which arose before the said coordinate benches, the petitioner is entitled to a similar order.

Although, despite service, none appears for the respondents, the nature of the order proposed to be passed does not require the matter to be kept pending unnecessarily for the absence of the respondents.

W.P.A. 11159 of 2020 is thus allowed, directing the respondent no.7 to supply certified copy of the deed presented by the petitioner for registration, upon an application being made by the petitioner in proper form for obtaining such certified copy and on payment of appropriate fees for the same, in addition to the petitioner depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of executing the deed-in-question which was presented for registration before the authorities.

Upon such requirements being fulfilled by the petitioner, respondent no.7 shall issue the certified copy of the deed to the petitioner as expeditiously as possible.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)