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16.02.2022
Ct. No.10
b.das

W.P.A. 453 of 2022
(Via Video Conference)

Shambhu Maji
Vs.
State of W. B. & Ors.

Mr. Salil Kr. Maity
Ms. Pinki Saha ...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

Heard learned counsels for the parties.

The petitioner seeks direction upon the 4th respondent to deliver two deeds of sale registered before the said respondent by replacing the genuine stamp papers of the same value in place and stead of forged stamp papers.

It appears from the application filed by the petitioner before the authority that the deeds were registered in 1990 following which it was detected that the stamp papers in both the deeds were forged.

Learned counsel for the petitioner relies on an order passed by the co-ordinate Bench of this Court in a similar matter in WP 24296 (W) of 2017 on 25th October, 2017. By the said order, the co-ordinate Bench directed the petitioner therein to deposit the sum equivalent to the stamp paper used in the deed with the authorities and the

authorities were directed to deposit the amount in a fixed deposit account in any nationalised bank to be renewed from time to time and to issue a certified copy of the deed to the petitioner.

It is submitted on behalf of the respondents that the deeds were registered way back in 1990 and the petitioner, despite having knowledge of such registration and forgery, remained silent for a considerable period of time and chose to approach the authority only on 23rd December, 2021. As such, the petitioner should replace the forged stamp papers by genuine ones at the present rate for fresh registration of the deeds.

Learned counsel takes the Court to Annexure P-3 to the writ petition which indicates that the deeds were seized by the D.E.O., Mahishadal on the ground of such forgery.

It appears that the deeds in question were registered in 1990. It was subsequently detected that the non-judicial stamp papers used in the said deeds were forged. The petitioner agrees to replace the forged stamp papers with genuine ones of the same value.

Under such circumstances, this Court is of the view that the petitioner may be directed to deposit the sum equivalent to the allegedly forged stamp papers used in the deeds before the 4th respondent within seven days from date. Upon receipt of such amount, the 4th respondent shall deposit the amount in an auto-renewing fixed deposit account of any nationalised bank. The 4th respondent shall

issue certified copies of the deeds to the petitioner within two months from the date of receipt of the amount.

With the above observations and directions this writ petition being WPA 453 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)