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14.03.2022
Ct. No.10
b.das

W.P.A. 1434 of 2022

(Via Video Conference)

Usha Rani Mondal
Vs.
State of W. B. & Ors.

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

Mr. T. M. Siddiqui
Mr. N. Chatterjee ...for the State.

Heard learned counsels for the parties.

The petitioner seeks direction upon the 3rd respondent to deliver the deed of sale registered before the said respondent by replacing the genuine stamp paper of the same value in place and stead of forged stamp paper.

The application filed by the petitioner before the concerned authority on 3rd January, 2022 indicates that the deed was registered on 26th February, 1990 and it was detected thereafter that the stamp paper used in the deed was forged.

It appears from a letter issued to the petitioner by the 3rd respondent on 3rd January, 2022 that the deed in question was seized by the DEO, Mahishadal on the ground of non-judicial stamp paper being forged and tampered.

It is submitted on behalf of the respondents that the letter issued by the Officer-in-Charge, Sutamata P.S., Purba Midnapore indicates that the deed is not traceable in the police malkhana.

It appears that the deed was registered in 1990 and it was subsequently detected that the non-judicial stamp paper used in the deed was forged. The petitioner agrees to replace the forged stamp paper with genuine one of the same value.

In view of the above, the petitioner is directed to deposit the sum equivalent to the allegedly forged stamp paper used in the deed before the 3rd respondent within seven days from date. Upon receipt of such amount, the 3rd respondent shall deposit the amount in an auto renewing fixed deposit account in any nationalised bank.

In view of the fact that the deed is not traceable at present, the 6th respondent is directed to make all endeavours to trace out the deed as expeditiously as possible, preferably within a period of six weeks from date.

The 3rd respondent shall issue certified copy of the deed to the petitioner within two months from the date of receipt of the original deed.

With the above observations and directions this writ petition being WPA 1434 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.)