

WPA 21095 of 2022

Sankar Prasad Roul & anr.
Vs.
The State of West Bengal & Ors.

Mr. S.P. Pahari,
Mr. A. Pradhan,
Mr. T.K. Mahapatra,

...for the petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,

...for the State.

Affidavit of service filed by the petitioners is taken on record.

The petitioners pray for a direction upon the 2nd respondent to deliver the registered deed of sale to the petitioners upon the petitioners replacing the genuine stamp paper of the same value in place and stead of the forged stamp paper.

The plot of land in question was purchased in the name of the petitioners by registered deed of conveyance on 26th March, 1991 but the concerned authority refused to handover the registered deed to the petitioners on the ground that the stamp papers used in the said deed were forged. The petitioners seek to deposit the sum equivalent to the allegedly forged stamp papers used in the deed before the 2nd respondent within a month from date. Learned counsel for the petitioners submits that the deed in question is lying in the office of the 2nd respondent.

It is submitted on behalf of the respondents that upon depositing the sum equivalent to the allegedly forged stamp papers in the deed, the 2nd respondent be directed to hand over the original deed to the petitioners if the said deed is traceable in the office of the authority. In view of the above, the writ petition is disposed of directing the 2nd respondent to hand over the original deed to the petitioners within two months of the petitioners depositing the sum equivalent to the allegedly forged stamp papers used in the deed. Upon receipt of such amount, the 2nd respondent shall deposit the said amount in an auto renewing fixed deposit account in any nationalised bank. In the event the said original deed is not traceable, the 2nd respondent shall hand over the certified copy of the said deed in favour of the petitioners within the said period.

With the above directions, WPA 21095 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)