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jdt.

21.11.2022
jb.

W.P.A. 21524 of 2022
(Sudarsan Patra & Anr. vs. State of West Bengal & Ors.)

Mr. S. P. Pahari
Mr. A. Pradhan
Mr. T. K. Mahapatra
.... For the Petitioners
Mr. S. Banerjee
Mr. A. K. Nag
.... For the State

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the petitioners purchased a plot of land in the year 1990 by virtue of registered deed of conveyance, but the concerned authority refused to hand over the registered deed to the petitioners due to some criminal litigation pending with regard to the said deed. The petitioners subsequently learnt that the stamp papers used in the said deed were forged. The petitioners seek to deposit the sum equivalent to the alleged forged stamp paper used in the lease deed before the 2nd respondent within a month from date and pray for direction upon the 2nd respondent to hand over the deed in their favour.

It is submitted on behalf of the respondents that the deed in question is the subject matter of a criminal case and is in the custody of the investigating agency. Learned counsel submits that upon petitioners' depositing the sum equivalent to the allegedly forged stamp papers used in the deed, the respondent have no objection in handing over certified copy of the said deed to the petitioners without prejudice to the merits of the criminal case which is pending.

In view of the above, the writ petition is disposed of directing the 2nd respondent to hand over certified copy of the deed in question to the petitioners upon petitioners' depositing the sum equivalent to the allegedly forged stamp papers used in the deed. The petitioners are directed to deposit the said amount before the 2nd respondent within one month from date and the 2nd respondent is directed to hand over certified copy of the deed to the petitioners within a month thereof.

Upon receipt of such amount from the petitioners the 2nd respondent shall deposit the said amount in an auto renewing fixed deposit account with any nationalised bank.

With the above observations and directions, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)