

02.03.2023
Ct . 5
D/L 18
ab

WPA 1139 of 2020

Tapati Nag & Anr.

Versus

The State of West Bengal and others

Mr. Debnarayan Patra,

... for the petitioners

Mr. Nilotpal Chatterjee,
Mr. Amrit Lal Chatterjee

... for the State.

The affidavit of service is taken on record.

Since no one appears for the State, Mr. Nilotpal Chatterjee along with Mr. Amrit Lal Chatterjee, learned counsel, who are present in Court, are requested to appear for the State.

The petitioners pray for a mandamus on the respondents for releasing the registered Deed being Deed No. 2588 of 1990 which is pending with the Additional District Sub-Registrar at Midnapore, District Paschim Medinipur.

Learned counsel appearing for the petitioners relies on orders passed in similar facts by this Court as well as the co-ordinate Bench.

The State is represented.

After hearing learned counsel and following similar orders passed in other matters, the petitioners are

directed to put in the cash equivalent to the dues which is payable in respect of the Deed presented for registration in 1990 to the Registering Authorities. After the deposit is received by the Authorities, the deposit shall be kept in an interest bearing fixed deposit account with any nationalized bank. The Authorities will thereafter provide the certified copy of the Deed to the petitioners.

Since the investigation is going on, if the petitioners are found to be guilty of forgery or any other offence, the money deposited by the petitioners shall be appropriated by the Registering Authority. If the trial finds otherwise, the money shall be returned to the petitioners along with interest.

The certified copy of the Deed shall be returned to the petitioners within a period of four weeks from the date of deposit as directed.

WPA 1139 of 2020 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)