

AD-14
Ct No.09
05.09.2023
TN

WPA No. 3999 of 2022

Dipak Dey and others
Vs.
State of West Bengal and others

Mr. Ayan Poddar,
Mr. Sourjya Das,
Ms. Poulami Bhowmick

.... for the petitioners

1. Despite repeated service, none appears for the respondents at the time of call. As such, the matter is taken up for hearing *ex parte*. Affidavit-of-service filed today be kept on record.
2. The petitioners presented a deed for registration and, even after the registration was complete and IGR number was allotted, the registered deed was never handed over to the petitioners.
3. Accordingly, the petitioners were constrained to approach the Registering Authorities. However, since no response was received from the said authorities, a writ petition was filed by the petitioners.
4. By an order dated June 20, 2019, the writ petition bearing WP No. 17814 (W) of 2010 was disposed of by a coordinate Bench. It was observed that the respondent no.5, that is, the Registering

Authorities in its affidavit-in-opposition had disclosed that the deeds were involved in a pending Ashokenagar P.S. Case No. 184 dated June 07, 2007 under certain Sections of the Indian Penal Code and Section 81 of the Registration Act, 1908 and were vital pieces of evidence in the said criminal case.

- 5.** Learned counsel for the petitioners files a supplementary affidavit with the leave of the court where a certified copy of the relevant orders of the said criminal case has been annexed. It is clearly seen from the order passed therein on October 03, 2013 that the said criminal case was dropped as on that date.
- 6.** The ordering portion of the said criminal court's verdict says that the proceeding against the accused persons as named therein was being dropped.
- 7.** Upon the said criminal case itself having been dropped, there is no further occasion for the plea of the Registering Authorities to withhold the document from the petitioners any further.
- 8.** Accordingly, WPA No. 3999 of 2022 is allowed, thereby directing the respondent no.4, that is, the District Registrar, Barasat, North 24 Parganas to hand over the registered deeds of the petitioners

as mentioned in the present writ petition to the petitioners at the earliest, positively within a week from the date of communication of this order to the said respondent. The respondent no.4, for the purpose of compliance, shall act on a server copy of this order coupled with written communication of the learned Advocate for the petitioners, without insisting upon prior production of a certified copy.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)