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02.01.2023
Ct. No.10
b.das

W.P.A. 5043 of 2022

Shaibyarani Jana
Vs.
State of W. B. & Ors.

Mr. Salil Kr. Maity
Ms. J. Basu Roy ...for the petitioner.

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner prays for direction upon the respondents to deliver the deed of sale to the petitioner by replacing the fake non-judicial stamp paper used in the deed by genuine one of equivalent value.

It transpires from the application submitted by the petitioner before the Additional District Sub Registrar, Sutamata, district Purba Midnapore on 18th February, 2022 that the deed in question was registered on 29th January,

1990 and it was subsequently detected that the stamp paper used in the deed was forged. It appears from the letter issued by the Additional District Sub Registrar, Sutahata on the same date that the deed was seized by DEO, Mahisahadal on the ground of forged/tampered stamp paper used therein.

The petitioner agrees to replace the forged stamp paper used in the said deed with the 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 interest bearing fixed deposit account in any nationalised bank.

The 3rd respondent is further directed to issue certified copy of the deed in favour of the petitioner within one month from the date of receipt of the stamp paper.

With the above observations and directions this writ petition being WPA 5043 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.)