

15.05.2023
rc/ct.no.10
Item No.11

WPA No. 7395 of 2023
Sankar Prasad Roul @ Chandan Roul & Anr.
Versus
The State of West Bengal & Ors.

Mr. A. Pradhan
Mr. Gourav Purkayastha ..for the petitioners

Mr. Chandi Charan De
Mr. Haripada Maity
Mr. Anirban Sarkar for the State

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

It is contended on behalf of the petitioners that their father purchased the plot in question by virtue of a registered deed of conveyance on March 19, 1991 in the names of the petitioners jointly but the concerned authority refused to hand over the registered deed to the petitioners on the ground that the stamp papers used in the said deed were forged. The petitioners pray for a direction upon the 2nd respondent to deliver the registered deed of sale in their favour upon the petitioners replacing the genuine stamp paper of the same value in place and stead of the forged stamp paper. The petitioners seek to deposit the sum equivalent to the allegedly forged stamp paper used in the deed before the 2nd respondent within a month from date.

The petitioners submit that the deed in question is lying in the office of the 2nd respondent.

It is submitted on behalf of the respondents that upon the petitioners depositing the sum equivalent to the allegedly forged stamp paper 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 from the date when the petitioners deposit 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 interest bearing fixed deposit account in any nationalised bank.

In the event the 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 7395 of 2023 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)

