

13.09.2023
rc/ct.no.10
Item No.317

WPA No. 15128 of 2023
Shyamapada Pramanik & Anr.
Versus
The State of West Bengal & Anr.

Mrs. Arpita Pradhan ...for the petitioners

Mr. Chandi Charan De ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondents and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioners are directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

It is contended on behalf of the petitioners that the petitioners' mother, late Haranmayee Pramanik purchased the plot in question from one Hari Pada Das by virtue of a deed of conveyance executed on June 26, 1990. The concerned Additional District Sub-Registrar refused to handover the registered deed to the petitioners on the

ground that the stamp papers used in the said deed were forged. The petitioners seek to deposit the sum equivalent to the allegedly forged stamp papers used in the deed before the 2nd respondent within a month from date. Learned counsel for the petitioners submits that the deed in question is lying in the office of the 2nd respondent.

It is submitted on behalf of the respondents that upon depositing the sum equivalent to the allegedly forged stamp papers 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 15128 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)