

24.01.2023
rc/ct.no.10
Item No.63

WPA No. 19585 of 2022

Mr. Arjun Mookherjee
Ms. Paramita Banerjee
Ms. Amrita Das ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State

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

Heard learned counsels appearing on behalf of the parties.

The petitioner prays for issuance of writ of mandamus directing the respondent nos. 2 to 7 to locate the deed of sale dated July 21, 1974 allegedly registered before the Sadar Joint Sub-Registrar, Howrah and thereafter allow inspection of the same and also issue certified copy thereof upon payment of requisite fees.

The petitioner being a partnership firm claims to be the owner of the property in question which was purchased by one of the partners of the firm vide deed of sale dated September 04, 1935. The petitioner alleges that some persons have been disturbing the possession of the petitioner in respect of the property in question on the plea that the property was purchased by them from a person who traces his title from the purported deed dated July 21, 1974. The petitioner submitted a representation stating the entire facts before the concerned authority on February 22, 2022 with the following requests :-

- “(a) To confirm in writing whether the Subject Deed is registered in your office;
- (b) If yes to (a) above, then to provide inspection of the Subject Deed;
- (c) If yes to (a) above, then to provide a certified copy of the Subject Deed
- (d) If no to (a) above, then please confirm in writing that the Subject Deed is not available in the records of your office.”

Pursuant to the said representation, communications were made between the Assistant Commissioner of Stamp and Revenue, West Bengal and the District Registrar, Howrah but to no effect. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioner on 22nd February, 2022 within one month from the date of communication of this order after affording reasonable opportunity of hearing to all interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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)