

06.01.2023
rc/ct.no.10
Item No.46

WPA No. 26707 of 2022

Mr. Gourav Purkayastha ..for the petitioner

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

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

The petitioner prays for a direction upon the 2nd respondent to deliver the registered deed of sale to the petitioner upon the petitioner replacing the genuine stamp paper of the same value in place and stead of the forged stamp paper.

The plot of land in question was purchased in the name of the petitioner by registered deed of conveyance on 27th June, 1990 but the concerned authority refused to handover the registered deed to the petitioner on the ground that the stamp papers used in the said deed were forged. The petitioner seeks 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 petitioner 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 petitioner 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 petitioner within two months of the petitioner depositing 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 said original deed is not traceable, the 2nd respondent shall hand over the certified copy of the said deed in favour of the petitioner within the said period.

With the above directions, WPA 26707 of 2022 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)