

Item No.8
24.07.2024
Court. No. 9
GB

W.P.A. 10339 of 2024

Archana Mondal nee Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Ayan Poddar,
Mr. Sourjya Das,
Ms. Poulami Bhowmick

...for the Petitioner.

Mr. Himadri Sikhar Chakraborty,
Ms. Susmita Saha

...for the State.

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

The petitioner presented a deed for registration. The registration was complete. IGR number was allotted, but the registered deed was not handed over. The ground for withholding the deed, as stated by the State respondents, was pendency of a criminal case. Now the case is over.

The case against Avijit Bose, Aparna Mitra and Firoza Begam being Ashokenagar Police Station Case No.184 dated June 17, 2007 under Sections 408/409/420/379/109/120B of the India Penal Code and Section 81 of the Registration Act, which was registered as Special Case NO.19 of 2007 was dropped. Such order was passed by the learned Judge, Special Court (3rd Court) at Barasat.

Under such circumstances, I do not find any reason why the petitioner should not be handed over the deed. A similar relief was granted to similarly situated persons. A co-

ordinate bench directed the District Registrar, Barasat, to return the deeds of the petitioner in WPA 3999 of 2022.

His Lordship observed as follows:-

“7. Upon the said criminal case itself having been dropped, there is no further occasion for the plea of the Registering Authorities to withhold the document from the petitioners any further.

8. Accordingly, WPA No.3999 of 2022 is allowed, thereby directing the respondent no.4, that is, the District Registrar, Barasat, North 24 Parganas to hand over the registered deeds of the petitioners as mentioned in the present writ petition to the petitioners at the earliest, positively within a week from the date of communication of this order to the said respondent. The respondent no.4, for the purpose of compliance, shall act on a server copy of this order coupled with written communication of the learned Advocate for the petitioners, without insisting upon prior production of a certified copy.”

The deed of the petitioner shall be returned within a month from the date of communication of this order, by the District Registrar, Barasat.

Accordingly, the writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)