

AD-06
Ct No.09
02.04.2024
TN

WPA No. 15019 of 2021

Subhas Chandra Mondal
Vs.
The State of West Bengal and others

Mr. Kapil Chandra Sahoo

.... for the petitioner

Mr. Susanta Pal,
Ms. Susnita Saha

.... for the State

1. Affidavit-of-service filed today be kept on record.
2. The contention of the petitioner is that the petitioner presented a deed for registration. Since it was alleged subsequently that the stamp papers on which the deed was prepared were forged, a criminal case was initiated, due to which the registration is being held up, which adversely affects the petitioner.
3. Learned counsel for the State submits that a criminal investigation is going on and a police case has been registered in the context.
4. The case, it is submitted, is pending before the jurisdictional criminal court at Contai.
5. Be that as it may, the criminal investigation need not be touched in any manner by this order. However, the purpose of justice would suffice in the event the petitioner deposits the money equivalent of the allegedly forged stamp papers and for such limited purpose, the police authorities send the document-in-

question to the registering authorities for a limited period.

- 6.** Accordingly, WPA No. 15019 of 2021 is disposed of by granting liberty to the petitioner to approach the appropriate police authorities/court with whom the original deed is lying at present. If so approached, the police authorities and/or the court, in whose custody the document is now lying, shall act on a server copy of this order, coupled with a written communication by the learned Advocate for the petitioner and send the said deed maintaining necessary precautions, including the forged stamp papers, in a sealed cover to the respondent no.4, that is, the Additional District Sub-Registrar, Nachinda, for the limited purpose of registering the deed.
- 7.** Upon the deed being sent, the petitioner shall deposit the money equivalent of the allegedly forged stamp papers with the respondent no.4 immediately thereafter. The respondent no.4 shall, upon such deposit being made, carry out the registration of the deed and issue a certified copy of the document upon proper application in that regard being made by the petitioner.
- 8.** It is expected that the entire process shall be completed by the respondent no.4 within three weeks from the date when the petitioner deposits the money equivalent of the forged stamp papers.

- 9.** Immediately thereafter, the deed, along with the forged stamp papers, shall be sent back by the respondent no.4 with due precaution to the police authorities for the purpose of facilitating proper investigation or alternatively to the court, if the deed was sent from the custody of the court in the first place.
- 10.** It is made clear that if it is possible to segregate the stamp papers from the deed-in-question, the police authorities and/or the court, as applicable, shall send only the deed devoid of the stamp papers and indicate to the registering authority the amount of the allegedly forged stamp which may be deemed to be sufficient compliance of this order.
- 11.** In such event also, the respondent no.4 shall, after completion of the process of registration, send back the deed to the appropriate authority (police authorities/court, as the case may be).
- 12.** There will be no order as to costs.
- 13.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)