

AD-07
Ct No.09
02.04.2024
TN

WPA No. 18694 of 2021

Bishnupada Nayak and others
Vs.
The State of West Bengal and others

Mr. Kapil Chandra Sahoo

.... for the petitioner

Mr. Rajarshi Basu,
Mr. Shehnaz Tareq Mina

.... for the State

1. Affidavit-of-service filed today be kept on record.
2. At the outset, learned counsel for the State points out that the petitioners have approached this court after about thirty years from the presentation of the concerned deed, seeking the reliefs as sought in the writ petition.
3. However, on the query of court, it is contended that the criminal trial is still pending for the said long period. By obvious logic, if the criminal trial could have been pending for so long and the deed be in custody of the court/police authorities, there cannot be any bar for the petitioners now to seek registration and issuance of the certified copy of the deed.
4. Accordingly, WPA No. 18694 of 2021 is disposed of by granting liberty to the petitioners 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 petitioners, 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, Contai-II, for the limited purpose of registering the deed.

- 5.** Upon the deed being sent, the petitioners 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 give a certified copy of the document upon proper application in that regard being filed by the petitioners.
- 6.** It is expected that the entire process shall be completed by the respondent no.4 within three weeks from the date when the petitioners deposit the money equivalent of the forged stamp papers.
- 7.** 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.

- 8.** 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.
- 9.** 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).
- 10.** There will be no order as to costs.
- 11.** 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.)