

WPO/829/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RISHU KHEMKA AND ANR.

-VERSUS-

THE STATE OF WEST BENGAL AND
ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 5th September, 2024.

Appearance:

Mr. Ayan Banerjee, Adv.

Mr. Dhiman Banerjee, Adv.

.... for the petitioner.

Mr. Anand Farmania, Adv.

Mr. Indumouli Banerjee, Adv.

...for the State.

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

The petitioners are aggrieved by the silence maintained by the registering authority with regard to the petitioners' prayer for registration of the deed of assignment, in terms of the decree passed by the Civil Court. Mr. Banerjee, learned Advocate appearing for the petitioners submits that the agreement of assignment was not a registered document. During the pendency of the suit, the document was impounded. Thereafter, stamp duty was paid as per the assessment of the authority and the suit was finally decreed. During the registration of the deed in execution of the decree, the authorities failed to adjust the money already paid and kept silent as to what would be the

formalities to be complied with. According to the assessment of the petitioner, the entire stamp duty has already been paid. Mr. Banerjee substantiates such claim on the basis of Articles 23 and 63 of Schedule-1A of the Indian Stamp Act, 1899.

Mr. Farmania, learned Advocate for the State-respondent submits that an opinion from the treasury is awaited in this regard.

The petitioner has already approached the authorities time and again. Under such circumstances, WPO/829/2024 is disposed of by directing the respondent no.5, the Registrar of Assurances, Kolkata to take an immediate decision in the matter and inform the petitioners within a period of four weeks with regard to the procedural formalities for the registration to be completed. All parties will co-operate in the matter of registration of the deed.

All parties to act on a server copy of this order.

(SHAMPA SARKAR, J.)

A/s.