

03.09.2025.
04
Ct.No.7.
as

WPA 1219 of 2018

Md. Samsuddin & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee.
.....for the Petitioners.

Mr. Pantu Deb Roy, Ld. A.G.P.,
Mr. Panna Lal Bandyopadhyay.
...for the State.

1. Affidavit of service filed in Court today on behalf of the petitioners is taken on record.
2. The present writ petition has been preferred praying for a directive to the concerned respondents, particularly respondent No. 3, to supply a certified copy of a power of attorney registered in 1977.
3. Mr. Chatterjee, learned Advocate representing the petitioners, submits that the petitioners purchased a piece of land measuring about 0.36 decimals from the original owners, viz., Amiya Chowdhury and five others, by virtue of a registered deed of sale dated 22nd March 1977. He submits that the deed was executed by the registered power of attorney holder of the vendors, viz., Kartick Chandra Adhikary. To remove any confusion regarding their title which may arise in the future, the petitioners approached the concerned respondent with a prayer to supply a copy of the registered power of attorney, which was executed by the original

landowners in favour of Kartick Chandra Adhikary, who executed the deed on their behalf based on such power of attorney. However, the concerned respondent declined to supply such copy, citing the provisions of Section 57(3) of the Registration Act, 1908.

4. Mr. Chatterjee submits that the petitioners are the persons claiming under the document being the registered power of attorney. He further submits that the provision has not been properly interpreted, and the refusal to supply the certified copy by the concerned respondent in favour of the petitioners is improper.

5. Mr. Roy, learned Additional Government Pleader representing the State, submits that the respondent has rightly refused to supply the certified copy of the registered power of attorney because the petitioners are not entitled to obtain a copy of that document.

6. Heard the learned Advocates appearing for the respective parties and perused the materials on record.

7. For a proper appreciation of the issue raised in the present writ petition, it would be appropriate to quote the provision of sub-section (3) of Section 57 of the Registration Act, 1908, which reads as follows:-

“57(3) : Subject to the same provisions, copies of entries in Book No.4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.”

8. Therefore, a bare perusal of the provision of sub-section (3) of Section 57 of the Act indicates that copies of the entries in Book No. 4 can be given to any person who has

executed the document or to a person claiming under the document. Here, the document was executed by the erstwhile owners of the land, viz., Amiya Chowdhury and five others, in favour of one Kartick Chandra Adhikary. As noted previously, Kartick Chandra Adhikary, now deceased, executed the deed of sale on behalf of the original landowners in favour of the petitioners. Thus, the petitioners are claiming title in respect of the said land based on the deed of sale executed by the registered power of attorney holder. Therefore, the petitioners are persons claiming title to the land in question under the registered deed of sale, which was executed based on a registered power of attorney. Accordingly, the petitioners can be treated as persons claiming under the document.

9. I find no justification in the decision of the concerned respondent refusing the petitioners' request for the supply of a certified copy of the registered power of attorney. Accordingly, the reasoned order dated 6th January 2018 is set aside.

10. In view thereof, respondent No. 3 is directed to supply a certified copy of the registered power of attorney in favour of the petitioners, upon completion of all necessary formalities, within a period of six weeks from the date of receipt of a copy of this order.

11. With this observation, the writ petition is disposed of, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)