

S/L 82
26.06.2025
Court. No. 19
Sourav

WPA 4976 of 2024

**Brindaban Haldar
Vs.
The State of West Bengal & Ors.**

Mr. Debnarayan Patra

...for the petitioner.

*Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Subhasis Bandyopadhyay*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. None appears on behalf of the private respondent no. 7, despite service.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ against the respondents, more specifically, against the respondent no. 4 commanding him to return the deed no. 1968 for the year 1990 in original and/or to supply a certified copy of the said instrument.
4. At the time of hearing, Mr. Patra, learned advocate appearing on behalf of the writ petitioner has handed over a server copy of the judgment and order dated 05.01.2011 as passed in FMA 200 of 2010 by a Division Bench of this Court. The server copy of the said judgment and order dated 05.01.2011 is taken on record.
5. It is submitted by Mr. Patra that in a similar nature of case, the Hon'ble Division Bench while disposing FMA 200 of 2010 directed the appellant therein to deposit an amount equivalent to the aggregate value

of stamp paper used for the purpose of the registration with the registering authority.

6. It is submitted by Mr. Patra that presently the writ petitioner is also willing to deposit the equivalent amount of stamp in connection with the aforementioned deed either by way of bank draft or by way of e-payment. It is thus submitted by Mr. Patra that upon such payment, the respondent no. 4/authority may be directed to handover the original deed no. 1968 of the year 1990 and/or certified copy of the said deed.
7. In course of his submission, Mr. Bandyopadhyay, learned Senior Government Advocate, appearing on behalf of the respondent/State and its functionaries has submitted a memo dated 04.03.2024 as issued by the respondent no. 4/authority. It is submitted by Mr. Bandyopadhyay that after registration of the aforementioned deed, it has been detected that the stamp papers as have been filed for the purpose of registration was found to be forged and on account of such, a criminal case is pending before the jurisdictional court.
8. It is, however, submitted by Mr. Bandyopadhyay that upon deposit of the equivalent amount of the stamp value, this Court may pass an appropriate order for supplying the certified copy in the spirit of the judgment and order dated 05.01.2011 as passed in FMA 200 of 2010.

9. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition permits the writ petitioner to deposit the equivalent amount of stamp as given for the purpose of registration of Deed No. 1968 for the year 1990, Book No. 1, Serial No. 1976/1990 with the respondent no. 4 either by way of bank draft or by e-challan. Upon such payment of such equivalent payment of stamp duty, the respondent no. 4/authority shall supply a certified copy of the said deed to the writ petitioner upon compliance of all formalities.
10. However, prayer for returning the original deed is considered and rejected in view of the pendency of the criminal proceeding before the jurisdictional Court.
11. Before parting with, it is, however, made clear that the finding as made hereinabove is purely limited for the purpose of disposal of the instant writ petition and the jurisdictional court which is in seisin over the criminal case is directed not to persuade himself with any of the observation made hereinabove at the time of disposal of the said criminal trial.
12. With the aforementioned observation, the instant writ petition being **WPA 4976 of 2024** is disposed of.

13. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)