

11.09.2025
Sl. No.20
AMR
Ct.No.38

WPA No. 6915 of 2025

Sri Ashok Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Muktswar Maity
Mr. Manik Sarkar

...for the Petitioner

Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas

...for the State

Affidavit of service filed by the petitioner be kept with the record.

The petitioner has filed the present writ application praying for a direction for supply of original Deed on payment of equal stamp duty.

The petitioner submits that the Deed was registered being Deed No. 1148 of 1990 dated 20.04.1990, but the same was not provided to the petitioner on the ground that the criminal case has been initiated and the trial is pending before the Court.

Learned Advocate for the petitioner submits that several Deeds are pending before the Registering Authority and not issuing the same to the purchasers. Accordingly, the some of the purchasers have filed writ

petitions before this Court and this Court time to time passed appropriate orders.

The petitioner relied upon the order passed by the Co-ordinate Bench of this Court, WPA 5550 of 2023 (Manik Hossain vs. State of West Bengal & Ors.) dated 27th September, 2024, wherein this Court directed the petitioner to put the money equivalent to the stamp duty with the Registering Authority and the Registering Authority is directed to issue certified copy of the said Deed within a period of six weeks from the date of receipt of such money. The Co-ordinate Bench also directed the Registering Authority that the Registering Authority will keep the money deposited in the interest bearing fixed deposit account with the nationalized bank.

Learned Advocate for the State/respondents has handed over the report of the Additional District Sub-Registrar, Contai-II at Nachinda, Purba Medinipur, wherein it reveals that a Deed was registered at the office of ADSR, Contai-II, being document no. 1148 of 1990 and the same is lying with the office of the ADSR.

Learned Advocate for the State/respondents has also relied upon the judgment passed by the Co-ordinate Bench of this Court, WPA 9737 of 2025 (Dhirendra Nath Jana @ Dhirendra Jana & Ors. vs.

State of West Bengal & Ors.) dated 27th August, 2025, wherein the Co-ordinate Bench has relied upon the order passed by the Hon'ble Division Bench in FMA 200 of 2010 dated 05th of January, 2011, which reads as follows:-

".....on depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration with the registering authority and upon proper application being made for obtaining certified copy and on payment of proper fees for the same, the registering authority concerned shall supply the certified copy of the document. The said certified copy shall be used for all practical purposes. Supply of certified copy shall be made within fortnight from the date of making deposit. If no deposit is made within four weeks from the date of receipt of certified copy of this order, then the issue will be a closed chapter and the judgment and order of the learned trial Judge will stand revived.

The aforesaid amount shall be kept deposited till the investigation is complete and the trial is over, ideally in a term deposit, if possible. If it is found in the trial that the stamp papers in question are forged, then the amount so to be deposited with the registering authority, shall be handed over to the appropriate authority, viz. the State Government. In the event, it is found that the stamp papers are genuine, obviously the amount so to be deposited, shall be returned to be appellants/petitioners."

The case of the petitioner is squarely covered with the order passed by the Co-ordinate Bench of this Court dated 27th September, 2024 and 27th August, 2025 as mentioned (supra).

Accordingly, the writ petition is disposed of by directing the petitioner to put in the money equivalent to the stamp duty with the Registering Authority and

on receipt of the said stamp duty by the Registering Authority, the Registering Authority shall issue certified copy of the document no. 1148 of 1990 pending before the ADSR, Contai-II at Nachinda, Purba Medinipur, within a period six weeks from the date of receipt of such stamp duty. The Registering Authority also directed to keep the money deposited in an interest bearing fixed deposit with a nationalized bank till the investigation pending before the concerned authority or the trial pending before the Court is disposed.

With the above observations, the instant writ petition, being **WPA 6915 of 2025**, is **disposed of**.

There shall be no order as to costs.

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

(Krishna Rao, J.)