

D/L 24
21.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 10647 of 2024

Sri Dipak Kumar Mitra
Vs.
The State of West Bengal & Ors.

Ms. Rinku Sen
Mr. Sagnik Bhattacharya

...for the Petitioner.

Mr. Ansar Mandal
Ms. Somashree Dey

...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner prays for a direction upon the Additional District Sub Registrar, Sodepur to return the original sale deed to the petitioner which was presented for registration on 3rd December, 2020.
3. From the documents annexed to the writ petition, it appears that, the seller did not undergo the biometric procedure as required for registration of the deed. It is because of the non completion of the biometrics of the seller, the registration could not be made.
4. According to the provisions of law, a registered deed can be returned only after the process of registration is complete. In the absence of the biometrics being done by the seller, who is one of the parties to the deed, the registration cannot be said to be complete.
5. Till the process of registration is complete, no direction can be passed to hand over the deed to the purchaser.

6. In view of the above, the relief sought for by the petitioner cannot be allowed.
7. The writ petition fails and is hereby dismissed.
8. Dismissal of the writ petition will not, however, stand in the way of the petitioner to initiate appropriate proceeding against the seller for redressal of his grievances in accordance with law, if so advised.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)