

14-08-2025
Item No.2
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.14725 of 2025

Saida Bibi

-vs-

The State of West Bengal & Ors.

Mr. Sk. Rajaul Alam ...for the petitioner

Ms. Jayeta Mitra (Kundu) ...for the State

1. The petitioner prays for supplying certified copy of the registered deed being No.6129 of 1989 dated September 20, 1981 which was registered before the Additional District Sub-Registrar, Purba Medinipur.
2. It appears that the said deed was impounded by the police as fake stamp papers were used for preparation of the deed in respect of Sutahata P.S. Case No.108/91 dated September 17, 1991 under sections 465/467/468/471/420/34 IPC.
3. An order passed in a similar matter by a coordinate Bench of this Court on November 1, 2019 in WP No.14975(W) of 2018 (Bimal Kumar Mandal v. State of West Bengal & Ors.) has been brought to the notice of the Court.
4. It appears that the subject issue has been decided by the Hon'ble Division Bench of this Court on January 5, 2011 in **FMA No.200 of 2010 (Ashutosh Maity & Ors. v. The State of West Bengal & Ors.)**. The operative portion of the order passed by the Hon'ble Division Bench 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."

5. As it appears that facts of the instant case are similar to the facts of the case decided by the Hon'ble Division Bench in FMA No.200 of 2010 on January 5, 2011, accordingly, such order shall apply in respect of the instant case. The criminal case that is pending shall continue without being influenced by the order passed hereinabove.
6. The writ petition stands disposed of.
7. Instructions forwarded by the Additional District Sub-Registrar, Sutahata, Purba Medinipur dated July 7, 2025 be retained with the records.
8. Affidavit of service filed in Court be taken on record.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

