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jdt. 28.07.2025
jb.

WPA 16443 of 2024
(Samar Kumar Pal vs. State of West Bengal & Ors.)

Mr. Debu Roy
Mr. M. K. Dey
Mr. Samar Kr. Pal
... For the Petitioner
Mr. Amrita Lal Chatterjee
... For the State
Mr. Subhayam Barik
... For the Respondent no. 8

1. The petitioner alleges that the private respondent no. 8, claiming himself to be the sole owner of the subject property, executed a deed of sale in favour of the other private respondents behind the knowledge and without the consent of the petitioner who is also a co-owner of the said property. The petitioner prays for direction upon the registering authority to cancel the registered deed of sale.
2. Learned advocate representing the State respondents has obtained instruction from the Additional Registrar of Assurances I, Kolkata dated 21st July, 2025 which clearly mentions that the prayer of the petitioner for cancellation of the registered deed cannot be accepted as there is no supporting law permitting cancellation of registration by the registering authority.

3. Learned advocate representing the private respondent no. 8 submits that the other co-owners subsequently authorised the private respondent no. 8 to execute the deed.
4. As per the Registration Act, 1908, the registering authority has not been empowered with any power to cancel a registered deed. The registering authority was unaware of the fact as to whether the property in question was solely owned by the executant or not. The registering authority relied on the deed that was presented before it and proceeded to register the same.
5. The Registration Act lays down penal provisions in case of impersonation and submission of false statement.
6. The petitioner alleges that the respondent no. 8 deliberately made false statement before the authority solely for execution of the sale deed.
7. Whether the property was jointly owned by more persons or whether the same was the property of a single individual is to be decided by a competent civil forum.
8. In view of the above, the writ petition is disposed of by observing that it will be open for the petitioner to approach the competent civil court praying for setting aside the sale deed in accordance with law, if so advised. It will also be

open for the petitioner to pray for interim relief in the suit in accordance with law.

9. The writ petition is disposed of.
10. Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Amrita Sinha, J.)