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2025

MONDAY

Court : CB-07
Item : ML-27
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA16024 OF 2022

SWAPAN KUMAR JANA @ SWAPAN JANA & ANR.
VS.
THE STATE OF WEST BENGAL& ORS.

MR. DEBNARAYAN PATRA, ADVOCATE

.....for the Petitioner

1. The present writ petition has been preferred praying for a writ of mandamus commanding the Additional District Sub-Registrar, Contai-I to return the original Deed, being No. 9302 of 1990, after completing the process of registration in terms of the provisions of the Registration Act, 1908, and upon acceptance of the value of the stamp paper so as to make up the revenue lost by the Government due to the use of the alleged forged stamp papers, in favour of the petitioner.
2. Mr. Patra, learned Advocate for the petitioner, submits that the petitioner presented a Deed for registration before the Additional District Sub-Registrar, Contai-I, and the Deed was registered, and even the IGR was issued in favour of the petitioner. However, subsequently, on an apprehension that forged stamp papers had been used, the original Deed has not been returned to the petitioner. He submits that a criminal case was also registered against the stamp vendor based on the complaint lodged by the Additional District Sub-Registrar, Contai-I, and that the trial is still ongoing.
3. He further submits that a Hon'ble Division Bench had occasion to deal with a similar issue in FMA 200 of 2010 (*Asuthosh Maity & Ors. vs. The State of West Bengal & Ors.*), where the Hon'ble Division Bench directed the appellant therein to deposit an amount

equivalent to the aggregate value of the stamp papers used for the purpose of registration with the registering authority. Upon receipt of such amount from the appellant, the registering authority was directed to issue a certified copy of the deed, taking note of the fact that the original deed could be required to be produced before the Court at the time of trial. Mr. Patra seeks a similar order.

4. In support of his contention, he relies upon two unreported decisions by two different Coordinate Benches of this Court in WPA 8535 of 2022 (*Shashanka Shekhar Giri vs. The State of West Bengal & Ors.*) and WPA 21824 of 2023 (*Chhabi Rani Pradhan vs. The State of West Bengal & Ors.*).
5. Despite service, the State is unrepresented.
6. Admittedly, in the present case, after completion of the registration process, the IGR was issued to the petitioner. However, subsequently, on an apprehension that forged stamp papers were used for the purpose of registration of the deed, the same has been withheld, and a criminal case has been initiated against the stamp vendor. In similar facts and circumstances, the Hon'ble Division Bench directed a similarly situated person to deposit an amount equivalent to the aggregate value of the stamp papers, and the authority was directed to issue a certified copy of the original deed in favour of the petitioner.
7. Therefore, in view of this facts, applying The proposition laid down in the decision rendered by the Hon'ble Division Bench in FMA 200 of 2010 (*supra*), this writ petition is disposed of ,directing the petitioner to deposit an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration of the Deed, vide No. 9302 of 1990, with the registering authority. Upon receipt of

such amount, the registering authority shall keep the same in an interest-bearing account with any nationalized bank until the criminal trial is concluded. The petitioner is granted liberty to file an application for a certified copy of the Deed.

8. Upon receipt of such application and the requisite fees for obtaining a certified copy of the Deed, the registering authority shall issue a certified copy of the Deed in favour of the petitioner.
9. It is clarified that if it is subsequently found that the stamp papers used for the purpose of registering the deed are forged, the amount deposited by the petitioner with the registering authority shall be transferred to the appropriate authority, namely, the State Government. Conversely, if the stamp papers are found to be genuine, the amount deposited by the petitioner shall be refunded to the petitioner along with the interest accrued thereon.
10. With these observations and order, **WPA 16024 of 2022 is disposed of.**

(PARTHA SARATHI CHATTERJEE, J.)

