

07.07.2025
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Ct.No.7
sdas

WPA 20648 of 2021

Joydeb Pramanick
Vs.
The State of West Bengal & Ors.

Mr. Soumyadeep Biswas
.....for the petitioner

Sk. Md. Galib
Mr. Subhra Nag
..... for the State

Affidavit-of-service, filed on behalf of the petitioner, is taken on record.

The present writ petition has been preferred by a deed writer, alleging inaction on the part of the concerned Additional District Sub-Registrar, Chapra, Nadia in completing the process of registration of a number of deeds of conveyance presented by various persons.

Mr. Biswas, learned Advocate representing the writ petitioner, submits that all the formalities required for the registration of the deeds through commission, the particulars of which have been detailed in Annexure "P/2", annexed at pages 13 to 21 of the petition, have been duly completed. However, for reasons best known to the concerned District Sub-Registrar, the deeds have not been registered. He submits that this inaction prompted the petitioner to file the present writ petition.

Mr. Galib, learned Senior Government Pleader, raises the issue of maintainability of this writ petition. He submits that the present writ petitioner is a deed writer and has no locus to file and maintain this writ petition. Additionally, he highlights certain irregularities pointed out by the Additional District Sub-Registrar, stating that certain mandatory requirements have not been fulfilled, which is the primary reason for the refusal to complete the registration process of the said deeds.

In reply, Mr. Biswas submits that since the question of the petitioner's livelihood is involved, the writ petition may be entertained, disregarding the issue of maintainability.

Heard the learned Advocates for the respective parties and perused the materials on record.

Admittedly, to maintain a writ petition before the Court under Article 226 of the Constitution of India, a person must demonstrate that he has an enforceable legal or fundamental right, and that such right has been infringed by the action or inaction of the State or any of its functionaries. There must also be a corresponding statutory duty on the part of the State or its functionaries, which can be enforced by issuing an appropriate order or direction.

The petitioner is not in a position to deny that he is merely one of the deed writers in respect of the deeds

in question. He neither holds the status of the presenter of the deed nor that of an executor, and he cannot be regarded as either a vendor or a vendee under the said deeds. Consequently, the refusal to complete the process of registration does not infringe upon any of his fundamental or legal rights. Accordingly, I find merit in the submission of Mr. Galib, learned Advocate, that the petitioner lacks the locus standi to maintain the present writ petition before this Court.

Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

It is clarified that this order shall not preclude the presenters of the deeds, or the vendors or vendees thereof, from approaching the appropriate forum in accordance with law for redressal of their grievances.

(Partha Sarathi Chatterjee, J.)