

03.09.2025.
06
Ct.No.7.
as

WPA 22613 of 2019

Sri Jayanta Kumar Giri
Vs.
The State of West Bengal & Ors.

Mr. Manoranjan Jana.
.....for the Petitioner.

Mr. Sutanu Chakrabarti.
...for the State.

1. The present writ petition has been filed alleging inaction on the part of the concerned respondent in returning the original deed of sale to the petitioner.

2. Mr. Jana, learned advocate appearing for the petitioner, submits that the petitioner purchased a piece of land from one Kali Charan Das by virtue of a registered deed of sale bearing No. 5558, dated 18th October, 1989, registered in the office of the respondent no. 3. Upon completion of all formalities relating to registration, the IGR was duly issued in favour of the petitioner. However, the concerned respondent thereafter refused to return the original deed on the ground that certain stamp papers used for registration were allegedly found to be forged.

3. He submits that the petitioner, having acted in good faith, purchased the stamp papers from the licensed stamp vendor and, therefore, cannot be held liable if the said stamp papers were subsequently found to be forged. He accordingly prays for a direction upon the concerned respondent to return

the original sale deed to the petitioner upon acceptance of the aggregate value of the alleged forged stamp papers from him.

4. He refers to an unreported decision of a Coordinate Bench of this Court in WPA No. 14253 of 2023 (*Dhurjati Das vs. The State of West Bengal & Ors.*) and submits that, in a similar case, the Coordinate Bench directed the concerned respondent to return the registered document to the petitioner upon deposit of the aggregate value of the forged stamp papers.

5. Mr. Chakrabarti, learned advocate representing the State, vehemently opposes the contention advanced by Mr. Jana. He produces written instructions and submits that the present deed, along with 278 other instruments, was found to have been registered on forged stamp papers. A criminal case relating to such forgery has been initiated and is still pending final adjudication. Accordingly, the respondent has decided to keep those deeds in safe custody. He therefore contends that until the said criminal case is finally disposed of, the deeds cannot be returned to any person.

6. In response to my query, Mr. Jana expressed his willingness to deposit the aggregate value of the stamp papers.

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

8. A Hon'ble Division Bench of this Court, while dealing with a similar issue in an intra-court appeal being FMA 200 of 2010, directed the applicant to deposit the aggregate value of the stamp papers, and further directed the concerned

respondent to supply a certified copy of the deed upon receipt of such deposit.

9. Applying the decision rendered by the Hon'ble Division Bench, this writ petition is disposed of with a direction upon the petitioner to deposit the aggregate value of the stamp papers used for registration of the said sale deed. Upon receipt of the said amount and completion of all necessary formalities, the respondent no. 3 shall deliver a certified copy of the deed to the petitioner. Such certified copy shall be supplied within six weeks from the date of deposit of the said amount and completion of the requisite formalities.

10. If, subsequently, it is found that the stamp papers were forged, the amount deposited by the petitioner shall be handed over to the competent authority. However, if it is found that the stamp papers are genuine, the amount shall be returned to the petitioner.

11. With this observation and order, the writ petition is disposed of, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)