

10-03-2025
Item No.6
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.26526 of 2022

Raghunath Jana & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Nupur Chaudhuri ...for the petitioners

Mr. Nilotpall Chatterjee
Mr. Debapriya Chatterjee ...for the State

1. The petitioners pray for return of the deed bearing Serial No.812877 dated June 20, 1991, Miscellaneous Receipt No.2896/2871, issued by the office of the Patashpur Sub-Registry, P.O. Patashpur, district Purba Medinipur. The subject deed was impounded by the police as the stamp paper on which the deed was prepared was found to be forged.
2. Reliance has been placed on an order dated September 27, 2024 passed by a coordinate Bench of this court in **WPA No.5550 of 2023 (Manik Hossain v. State of West Bengal & Ors.)** wherein, under similar circumstances, the court passed necessary order.
3. On a perusal of the writ petition, it appears that apart from a miscellaneous receipt issued by the registering officer on June 20, 1991, there is no further document in support of the submission that the deed was actually registered by the authority.

4. Learned counsel for the State has obtained instructions from the Additional District Sub-Registrar, Patashpur dated March 5, 2025 which mentions that the required deed No.1-2871/1991 is presently in the custody of Patashpur police station as the deed is the subject matter of the forged stamp case under FIR No.76/1991 dated August 9, 1991. The original deed was confiscated against Serial No.180 in the confiscated list of Patashpur police station.
5. It appears that the criminal case was initiated in the year 1991 and that there is no conclusive order which has been brought to the knowledge of the court. The same implies that the criminal case is pending disposal till date.
6. Under such circumstances and in the interest of justice, it is directed that if the petitioners deposit the equivalent amount of stamp duty in respect of the subject deed with the registering authority, the said authority shall take all endeavour to issue the certified copy of the deed within six weeks from the date of submission of the stamp duty, provided the said deed was actually registered and certified copy of the same prepared by the authority.
7. The registering authority, if the stamp duty is deposited, shall keep the money in an interest-bearing fixed deposit account with a nationalised bank and the said amount shall depend on the fate of the criminal case.
8. The instant order, however, will not in any manner influence the criminal case which is *sub judice*.
9. The writ petition is thus disposed of.

10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]