

**25.03.
2025**

Ct. No. 28

Ab

WPA 26977 of 2024

Sri Pabitra Manna

Vs.

The State of West Bengal and others.

Mr. Bharat Chandra Simai.

... for the writ petitioner.

Mr. Gausul Alam

... for the State.

The affidavit of service filed in Court today is kept with the record.

The writ petitioner is aggrieved by non-supply of the certified copy of a Deed being no. I-2550 of 1990 to the writ petitioner by the respondent no. 4.

Learned Advocate appearing on behalf of the writ petitioner submits that the respondent has not acceded to the request of the writ petitioner for supplying of the certified copy of the subject deed on the ground that a criminal proceeding is pending and that a representation made by the writ petitioner on September 24, 2024 addressed to the respondent no. 3 is still pending consideration. He further submits that in similar situation this Court by an order dated July 14, 2021 passed in WPA 1712 of 2020 directed the respondent/registering authority to issue certified copy of the deed presented for registration subject to the writ petitioner paying the deficit stamp duty, if there be any, with the observation that the said order would prejudice the criminal proceeding that was pending or that may be initiated in respect of the stamp paper used.

Learned Advocate appearing on behalf of the State hands over a copy of the instruction issued to him by the respondent no. 3 from where it appears that the subject deed being Deed No. I-2550/1990 is in the custody of Patashpur Police Station as the said deed is “included in the forged stamp case” and has been seized

by the said Police Station under FIR No, 76/91 dated August 9, 1991.

In view of the aforesaid, the request of the writ petitioner for grant of certified copy cannot be said to be wrongly declined by the respondent no. 3. If the writ petitioner's deed itself forms the subject matter of the criminal proceeding, it would be improper for this Court to direct the respondents to supply a certified copy thereof to the writ petitioner.

Insofar as the order dated July 14, 2021 passed in WPA 1712 is concerned, it appears that in the said case, the deed was retained by the registering authority on the ground that stamp paper used could be forged. Such is not the situation here, as the deed is lying with the police authorities upon the same being seized by the said authority.

In such view of the matter, no order can be passed in this writ petition.

WPA 26977 of 2024 is dismissed.

There shall, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Om Narayan Rai, J.)

