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2025
Ct. No. 28

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 27229 of 2024

**Samar Ranjan Jana
Vs.
The State of West Bengal and others.**

**Mr. Bhagbat Chaudhuri,,
Mr. Subrata Mukherjee,
Ms. Gopa Mainan.
... for the writ petitioner.**
**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
... for the State.**

The affidavit of service filed in Court today is taken on record.

The writ petition has been filed seeking issuance of a Writ of Mandamus on the respondent nos. 3 and 4 to deliver the certified copy of two registered sale deeds in respect of Plot Nos. 88 and 87/3548, Khatian No. 2564 and 2732, J. L. No. 126, measuring 15 decimals under Mouza – Basudevpur, P.S. Durgachak, District – Purba Medinipur being Deed Nos. 2120 and 2122 dated 03.04.1991 under IGR F-356716 and 356718 to the writ petitioner.

It has been submitted by the writ petitioner that the properties, which are the subject matter of the said deeds, were registered upon compliance of all formalities including the payment of stamp duty and registration charges yet the respondent no. 4 has not discharged his statutory duty to supply the registered sale deeds to the writ petitioner.

Ms. Susmita Chatterjee, learned Advocate appearing on behalf of the State, submits that the certified copy of the said deeds could not be made available to the writ petitioner as the original two deeds

had been seized by the D.E.O., Mahisadal and that the same have not been returned till date. It has been further submitted that the certified copies of the documents can be given to the parties, if necessary directions are passed in such regard upon the party depositing the deficit amount of stamp duty.

In response thereto, learned Advocate for the writ petitioner invites the attention of the Court to an order dated April 24, 2013 passed in WP No. 9809(W) of 2013 by this Court wherein relief had been granted to the writ petitioner therein relying upon an order dated January 5, 2011 passed by the Division Bench of this Court in FMA 200 of 2010. The extract of the order dated January 5, 2011 passed by the Division Bench in FMA 200 of 2010 which has been reproduced in the said order dated April 24, 2013 passed by this Court in WP No. 9809(W) of 2013 is reproduced here again:

“On depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration with the registering authority and upon proper application being made for obtaining certified copy and on payment of proper fees for the same, the registering authority concerned shall supply the certified copy of the document. The said certified copy shall be used for all practical purposes. Supply of certified copy shall be made within fortnight from the date of making deposit. If no deposit is made within four weeks from the date of receipt of certified copy of this order, then the issue will be a closed chapter and the judgment and order of the learned trial Judge will stand revived.

The aforesaid amount shall be kept deposited till the investigation is complete and the trial is over, the ideally in a term deposit, if possible. If it is found in the trial the stamp papers in question are forged, then the amount so to be deposited with the registering authority, shall be handed over to the appropriate authority, viz. the State Government. In the event, it is found that the stamp papers are genuine, obviously the amount so to be deposited, shall be returned to the appellants/petitioners.

Accordingly, we set aside the judgment and

order of the learned trial Judge. However, we make it clear that this order will not create any special right or equity in the criminal proceedings, as far as defence is concerned.”

Since the case involved in the present writ petition is similar to that before the Division Bench as well as this Court in WP No. 9809(W) of 2013, therefore, this writ petition stands disposed of in terms of the said order dated January 05, 2011 passed by the Division Bench in FMA 200 of 2010. Borrowing the language of the Hon’ble Division Bench in the said order, the registering authority is directed to supply the certified copy of the document to the writ petitioner upon the writ petitioner depositing an amount equivalent to the correct value of the stamp paper used for the purpose of registration with the registering authority and upon proper application being made for obtaining the certified copy and on payment of proper fees for the same. It is further directed that if no deposit is made within four weeks from date, then the issue will be closed.

The aforesaid amount, which has been deposited, shall be kept deposited ideally in a term deposit, till the investigation is complete and the trial is over. If it is found in the trial that the stamp paper in question was forged then the amount so deposited with the registering authority shall be handed over to the appropriate authority i.e. the State Government. In the event it is found that the stamp papers are genuine, then the said amount, as deposited, shall be returned to the writ petitioner. It is clarified that this order will not create any special right or equity in the criminal proceeding as far as defence is concerned.

In terms of the said order of the Division Bench, the certified copy shall be used for all practical purposes.

The writ petition is, thus, disposed of.

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.)