

08.04.2025

rpan/54

WPA 28264 of 2024

Ujjwal Kumar Dinda

– *Versus* –

The State of West Bengal & Others

Mr. Debnarayan Patra

... for the Petitioner.

Mr. Asish Kumar Guha,

Mr. Rajendra Chaturvedi

... for the State/respondents.

Affidavit-of-service filed today be kept with the record.

The writ petitioner complains that the registering authority (i.e., the respondent no.4) has not yet supplied the original deed / instrument, being No.1893 for the year 1989 to the petitioner despite the petitioner having presented the said instrument for registration on May 12, 1989 before the respondent no.4 in accordance with law. The petitioner submits that in case there is any impediment in returning the original deed/instrument, being no.1893 of 1989 the authorities should be directed to furnish a certified copy of the said instrument after completing the registration in terms of the provisions of the Registration Act, 1908. The petitioner submits that the petitioner is ready and willing to deposit an amount equivalent to the aggregate value of stamp papers used for the purpose of registering the aforesaid conveyance. In support of the petitioner's

contention, the petitioner relies on an unreported order dated January 05, 2011 passed by the Hon'ble Division Bench of this Court passed in FMA 200 of 2010 wherein the Hon'ble Division Bench has observed as follows:

“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, ideally in a term deposit, if possible. If it is found in the trial that 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.”

He also relies on two other orders of co-ordinate Benches of this Court. The first of such order is dated March 02, 2023 passed in WPA 8091 of 2022 [Sabita Rani Das Vs. The State of West Bengal and others] and the second is an order dated December 11, 2023 passed in WPA 21824 of 2023 [Smt. Chhabi Rani Pradhan Vs. The State of West Bengal and others].

The learned advocate appearing for the State/respondents hands up the copies of the instructions given to him by the respondent no.4 as well as the respondent no.6. Let the same be kept with the record.

It is submitted by the learned advocate appearing for the State/respondents that since a criminal proceeding is going on, there is no question of returning the original deed to the petitioner. However, the petitioner could be furnished a certified copy subject to the petitioner depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registering the conveyance.

Having heard the learned advocates appearing for the respective parties and having considered the materials on record, this Court is of the view that the instant writ petition can be disposed of in terms of the directions issued by the Hon'ble Division Bench of this Court in FMA 2009 of 2010 followed by the other

co-ordinate Benches of this Court by directing that upon the petitioner depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration of the subject deed, being No.1893 of 1989 and upon an appropriate application for obtaining the certified copy being made and upon payment of proper fees for the same the registering authority concerned shall supply the certified copy of the document to the writ petitioner within a period of two weeks from the date of compliance of all the aforesaid terms including making of deposit.

It is, however, clarified that this order shall not relieve the petitioner from any liability that may visit him ultimately in the criminal proceeding.

In terms of the decision rendered by the Division Bench in FMA 200 of 2010 it is hereby further directed that if it is found in the trial that 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, namely, the State Government and in the event it is found that the stamp papers are genuine, obviously the amount so to be deposited shall be returned to the petitioner.

As directed by the Hon'ble Division Bench in FMA 200 of 2010, if the amount as aforesaid is deposited by the petitioner, the same shall be kept

deposited by the Respondents ideally in a term deposit till the investigation is complete and trial is over.

With the aforesaid observations, the writ petition, being WPA 28264 of 2024 stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)