

10.04.2025

rpan/23

WPA 28925 of 2024

Indra Pratim Dhar

– Versus –

**Finance (Revenue) Department,
Directorate of Registration and
Stamp Revenue & Others**

Ms. Soumi Guha Thakurta

... for the Petitioner.

Ms. Sipra Mazumdar,

Ms. Subhra Nag

... for the State/Respondents.

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

The petitioner is aggrieved by the inaction on the part of the respondents in supplying a certified copy of the Will to the petitioner that had been registered on Commission.

The petitioner submits that one Gopal Chandra Dhar (since deceased) had made a Will which had been registered on Commission on or about November 10, 2023 but the said instrument was never returned to the testator. Now the testator (i.e., Gopal Chandra Dhar) has expired and the petitioner who claims to be a beneficiary of the Will, has approached this Court praying for issuance of a writ of Mandamus commanding the Respondents to supply the certified copy of the said Will which is alleged to have been lost.

In view of the nature of grievance raised by the writ petitioner, justice would be subserved if the

respondent no.5 is directed to take appropriate action in terms of the request made to the said respondent by the respondent no.6 *vide* memo no.212 dated July 29, 2024 (at page 23 of the writ petition).

In case, it is legally feasible and permissible in terms of the relevant Rules and the law applicable, the respondent no.6 shall provide a certified copy of the said Will to the writ petitioner on the basis of scanned image which is preserved with the said respondent, as would be evident from the respondent's letter dated July 29, 2024, upon compliance with all requisite formalities by the petitioner like making application, depositing fees and the like.

However, in case the petitioner is found disentitled to the certified copy of the Will, the reasons for not supplying the same should be intimated to the petitioner forthwith.

The entire exercise as aforesaid shall be completed within a period of eight (8) weeks from the date of communication of the order.

It is once again clarified that such exercise of supplying the certified copy of the Will will be undertaken only if it is found that the petitioner is entitled to have a certified copy of such Will in accordance with the relevant Rules and governing statute and nothing in this order should be treated to mean a mandate on the Respondents to supply the certified copy of the Will if there is any embargo.

With the above observations the writ petition, being WPA 28925 of 2024 is 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.)