IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble **Justice Rishad Medora**

WPA 26558 of 2025

Asitbaran Bera

-Versus-

The State of West Bengal & Ors.

For the Petitioner : **Ms. Juin Dutta Chakraborty,**
Mr. Doyel Dey,
Mr. Bidan Modak.

For the State : **Ms. Jayita Dhar Chakraborty, Ld. JGA**
Mr. Joy Ranjan Dhar.

Hearing on : **28.09.2026**

Judgment On : **28.09.2026**

Rishad Medora, J:-

1. The petitioner has filed the present writ petition praying for, inter alia, a writ in the nature of mandamus commanding the respondents, and in particular, the registering authority, the Additional District Stamp Registry (ADSR), Contai-I, Purba Medinipur, being the respondent no.4,

to accept same value stamp papers and/or an amount in demand draft from the petitioner so as to make good the loss of the Government for the said registration process allegedly on forged stamp papers and after completing the registration in terms of the provisions of the Registration Act, 1908, return the deed/instrument, being Deed No. 4191 dated 03.05.1991 in original and/or supply certified copy of such instrument to the petitioner.

2. Learned Advocate representing the petitioner submits that on May 3, 1991, a Deed of Sale, being Deed no. 4191, was executed by one Jagat Kumar Maiti in favour of the petitioner in respect of sale of a plot of land having total area of about 16 decimals under R.S. Plot No. 441, Mouza-Paschim Mahisagote, J.L. No. 286, Khatian No. 92, Police Station- Kaathi, District- Purba Medinipur before the respondent no.4.

3. After completion of the aforesaid registration, a copy of the IGR was duly issued by the office of the ADSR, Contai-I, Purba Medinipur and the same was received by the petitioner. The petitioner's Advocate further submitted that on March 1, 1994, the petitioner duly applied for obtaining a certified copy of the said sale deed as till that time, the original copy of the sale deed had not been made available to the petitioner. The said application along with the stamp paper was returned to the petitioner as the authority was unable to provide the certified copy of the said deed to the petitioner. Subsequently, the petitioner has come to learn that the registering authority was unable

to provide the original copy of the said sale deed in view of the fact that it was alleged that such document was prepared allegedly on forged stamp papers. The petitioner has also come to learned that the Government of West Bengal has initiated a criminal case under Sections 468/471 of the Indian Penal Code, 1860, which is still pending, for adjudication of such malpractices.

4. In such circumstances, by a letter dated August 30, 2024, the petitioner informed the ADSR, Contai-I that it was ready and to pay the requisite stamp duty and necessary charges as was paid at the time of submitting the said sale deed for registration on May 03, 1991 and accordingly, he requested the ADSR, Contai-I to supply the said sale deed to him.

5. Learned Advocate representing the petitioner further submits that till date, the petitioner has not yet received the sale deed nor received any response to the aforesaid letter dated August 30, 2024. Consequently, the petitioner has filed the present writ petition.

6. Learned Advocate representing the State/respondents has handed over a “Written Statement regarding W.P.A. No. 26558 of 2025” dated September 23, 2026 issued by the ADSR, Contai-I and the same is taken on record. A copy of the same has been handed over to the learned Advocate representing the petitioner. Learned Advocate representing the State/respondents submits that necessary orders may

be passed by this Court upon perusal of the aforesaid written statement. The aforesaid written statement states as follows:

"Sub: Written Statement regarding WPA No. 26558 of 2025

Ref. WPA No. 26558 of 2025

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Sir,

In reference to the subject mentioned above, this Office would like to inform you the following:

As per the available Office records, the concerned Deed i.e. Deed No. 4191 of the year 1991 was presented for registration at the Office of the ADSR, Contai-I on 03.05.1991. But, before the completion of Registration U/s. 60 of the Registration Act, 1908, the said document along with other documents were seized by the then D.E.O., District Enforcement Branch (D.E.B.), Medinipur and criminal cases were initiated, observing that the said deed document was alleged to have been written on Forged Stamp papers.

The Deed being No. 4191 of the year 1991 along with other deeds were later kept on zimma with the then A.D.S.R., Contai-I, Sri Arup Kanti Sarkar by the D.E.B. Therefore, the said Deed Document being No. 4191 of the year 1991 is presently lying in

the custody of the A.D.S.R., Contai-I. But, as the deed document is alleged to have been written on Forged Stamp papers and as the matter is subject to criminal proceedings, this office is unable to provide its certified copy by receiving payment equivalent to forged stamp value, without the specific order of the Hon'ble Court in this regard.

This is for your kind information.

Thanking you,

Yours faithfully

(A.D.S.R., Contai-I)

[**7**. Learned Advocate representing the petitioner has placed reliance on the following orders passed in similar matters/situations in support of her submissions:

(i) Final order/judgment passed by this Court in FMA 200 of 2010 with CAN 10275 of 2009.

(ii) Order dated August 08, 2023 passed by this Court in WPA 17771 of 2023.

(iii) Order dated April 8, 2025 passed by this Court in WPA 28264 of 2024.]

8. I have heard the learned Advocates representing the parties and I have considered the materials on record.

9. Although there has been a substantial delay in the petitioner approaching this Court, this Court is of the view that the present writ

petition can be disposed of by passing directions similar to the directions issued by the Hon'ble Division Bench of this Court in the aforesaid FMA 200 of 2010. It is thus directed that the respondent no.4 will hand over a certified copy of the sale deed no. 4191 of 1991 to the petitioner upon him depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration of the said deed and upon an appropriate application being made by the petitioner before the respondent no.4 for obtaining a certified copy of the sale deed and upon the petitioner paying the requisite fees for the same. Such exercise must be carried out by the petitioner within a period of four weeks from date. Thereafter, the respondent no.4 will hand over a certified copy of the said sale deed to the petitioner within a period of two weeks from the date of receipt of the aforesaid amounts and application. The aforesaid amount paid by the petitioner, being the amount equivalent to the aggregate value of the stamp papers used for the purposes of registration of the said deed, shall be kept deposited in an interest bearing term deposit till the trial in the related criminal case is over. If it is found in the trial that the stamp papers in question are forged, then the amount to be deposited with the registering authority shall be handed over to the appropriate authority, namely, the State Government. In the event it is found that the stamp papers are genuine, then the amount to be deposited shall be returned to the petitioner along with the accrued interest.

10. Accordingly, this writ petition, being WPA 26558 of 2025, stands disposed of.

11. There shall be no order as to costs.

12. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

13. All parties shall act on the basis of a server copy of this judgment and order duly downloaded from the official website of this Court.

14. Urgent Photostat certified copy of this judgment and order, if applied for, be given to the parties upon compliance with the requisite formalities.

(Rishad Medora, J.)