

03.03.2021
SL No.17
Court No.24
(P.M.)

**WPA 407 of 2021
With
IA No. CAN 1 of 2021**

**Natural City Flat Owner's Welfare Association
represented by its President Vinod Kumar Chorarai.
Vs.
The State of West Bengal & Ors.**

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar
... for the petitioner

Mr. Amales Ray,
Ms. Mousumi Bhowal
... for the Municipality.

Mr. Soumya Roy Chowdhury,
Mr. Soumyojit Ghosh
.... For the respondent No. 6

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Sarvapriya Mukherjee,
Mr. Surojit Biswas
... for the respondent No. 7

Mr. Chandi Charan De, A.G.P.
Ms. R. Rahaman
... for the State.

The grievance of the petitioner is that the developer and promoter being the respondent No. 7 herein have converted the open area into car parking space.

The petitioner submits that the Municipality ought not to have permitted the developer for converting the open area into car parking space.

The petitioner has annexed the copy of the title deed wherefrom it appears that the parties have executed the deed clearly mentioning that the developer and the vendor are entitled to sell and use the open space surrounding the

building, including the car parking space, save and except the common passage.

As the petitioner has already accepted the terms and conditions of the Deed of Sale and permitted the developer and vendor to make construction in the open area and further to use the same as car parking space accordingly the petitioner at this stage cannot challenge the act of the private respondent in converting the open area to the car parking space.

The allegation of the petitioner is not substantiated.

The writ petition WPA 407 of 2021 fails and is hereby dismissed. CAN 1 of 2021 is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)