

20-07-2021
ct no. 13
Sl.72
sp

WPA 11083 of 2021
Jayanta Chattopadhyay
-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Mr. Srijib Chakraborty,
Mr. Avirup Mondal,
Mr. Anand Jha

...for the petitioner

Mr. Samrat Sen, Id. A.A.G.,
Ms. Sutapa Shyamal,
Mr. Saikat Chatterjee

...for the State

Mr. Raja Biswas

....for the respondent no.9

Counsel for the petitioner is aggrieved by the refusal of the State Government to consider an order passed by the State Consumer Disputes Redressal Commission dated February 4, 2020 in Complaint Case No. CC/417/2019, particularly, I.A. No. 55 of 2020 (Jayanta Chattopadhyay vs. Sujit Kumar Ghosh & Ors.). It is submitted that the petitioner had purchased the flat on property being promoted by the respondent no. 3. It transpired that property on which the flats were constructed, has vested in the State. The petitioner had approached the State Consumer Redressal Commission under the provisions of the

Consumer Protection Act, 2019, for various reliefs against the promoter.

In the said proceedings, the State Commission passed an order dated February 4, 2020 directing status quo to be maintained against the creation of third party rights until the next date.

Assuming for the sake of argument of the said order subsisting today, the petitioner had approached the State Government communicating the order of the said Commission and asking the State, i.e., particularly, the Directorate of Registration and Stamp Revenue not to register any further documents in respect of the said property.

It is submitted that the registration of documents is going on despite such communication. The petitioner submits that continued registration of documents would result in multiplicity of judicial proceedings and prejudice.

This Court has carefully considered the petitioner's submissions and heard Mr. Samrat Sen, learned Senior Counsel appearing for the State.

Counsel for the petitioner has relied upon an unreported decision of the Telengana High Court in WP 26137 of 2019 (T. Ganesh vs. The

State of Telengana) delivered on January 23, 2020. It is seen that the facts of the said decision are different from the facts of the instant case.

This Court even otherwise cannot bring itself to agree with the views expressed by the Hon'ble Telengana High Court.

It is now well-settled that an order of a civil Court or any other statutory fora cannot be executed through the writ Court under Article 226 of the Constitution of India. The Consumer Protection Act, 2019 has sufficient provisions for enforcement of its orders.

The other prayers made by the petitioner for cancellation of title deeds and declaratory relief, cannot also be entertained under Article 226 of the Constitution, since they are private remedies, inter alia, available to the petitioner under the provisions of the Specific Relief Act, 1963.

This Court is, therefore, inclined to accept the submissions of Mr. Sen, learned Senior Counsel for the State that the writ petition is not maintainable.

Hence, the writ petition fails and is hereby dismissed.

It is made clear that this Court has not gone into the merits of the contentions between

the writ petitioner and the respondents, the said is left open to be decided by an appropriate forum in accordance with law.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)