

26.08.2021.
Item No. 138.
Court No.13
pk

**W.P.A. No. 12090 of 2021
(Through Video Conference)
Dharmendra Kumar Vijaywargi
Versus
The State of West Bengal & Ors.**

Mr. Farooque Ali,
Mr. Shahrukh Raja

...for the petitioner.

Mr. Samrat Sen,
Ms. Manali Ali

... for the State.

Mr. Rudraman Bhattacharya,
Ms. Suchishmita Ghosh Chatterjee

... for respondent nos. 3 to 6.

The dispute raised is with regard to certain dues towards maintenance payable to the respondent, Upohar Luxury Apartment Owners' Association.

It is submitted that for non payment of the alleged dues, car parking facilities and other common services are being denied to the writ petitioner.

This Court is inclined to agree with the submissions of Mr. Samrat Sen, learned senior counsel and Mr. Bhattacharya, learned advocate that the remedy of the petitioner would be under the provisions of Section 16B of the West Bengal Apartments Ownership Act of 1972.

There are number of disputed questions of facts that a writ court even otherwise cannot go into it.

Hence, the writ petition is dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)