

14.07.2022
Court No. 19
Item no.423
CP

W.P.A. No. 7338 of 2022

Basabdatta Ghosh
Vs.
The State of West Bengal & ors.

Mr. Dibyendu Chatterjee
...for the petitioner.

Mr. Ashim Kr. Ganguly
Ms. Karabi Roy

.....for the State.

The affidavit of service is taken on record.

Despite service none appears on behalf of the
respondent nos. 4 and 5.

The petitioner alleges inaction of the Officer-in-charge, Narkeldanga Police Station. The petitioner claims to be one of the residents in the Surendra Nath Co-Operative Housing Society Ltd. (hereinafter referred to as 'the society').

The petitioner is aggrieved because the society issued an intimation to the petitioner to stop parking her car in the allotted place. A complaint was lodged before the police authorities and it is alleged that despite having paid the car parking charges, the society had illegally restrained the petitioner from parking her car.

A request was made before the police authorities to initiate criminal proceedings against the society.

The police authorities are represented before this court. The police report is taken on record. It appears that the petitioner is a resident of Flat No. 51 at Block No. 2, Unit 1B situated at 238, Maniktala Main Road, Kolkata – 54. The enquiry revealed that the father of the petitioner was the original allottee of the said flat. After the demise of the father, the petitioner's name was incorporated. The petitioner started residing in the said flat, with her family.

At an annual general meeting, the board of directors had decided to declare the petitioner as a non-resident member and requested her not to use the parking facility in the compound of the society, owing to shortage of parking space. The society refused to accept the contribution towards parking from April 1, 2022. However, on physical verification it was found that the vehicle of the petitioner was parked in the parking lot allotted by the society.

In any event, the police authorities could not find commission of any criminal offence by the society. The dispute is between the society and its member.

Thus, the petitioner shall be at liberty to take appropriate steps in future, if some problems do

arise. Police will maintain a vigil to ascertain that the petitioner is not unnecessarily harassed.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)