

11th November, 2022
(D/L No.17)
(SKB)

W.P.A. 16204 of 2022

Sujata Saha
Versus
The State of West Bengal and others

Mr. Soumyajit Ghosal
... for the petitioner.

Mr. Sk. Md. Masud
... for the State.

Mr. Chayan Gupta,
Mr. Sandip Dasgupta,
Mr. S. Siddiqui,
Mr. Aviroop Mitra
... for respondent nos.3 & 4.

Mr. Tilak Bose
.... For respondent no. 8

The petitioner seeks compensation for an alleged delay in handing over of a flat purchased by the petitioner. The agreement under which the petitioner purchased the flat is a part of records and was entered into between the petitioner and the respondent no.8 being the Bengal Shapoorji Housing Development Private Limited Company. The allotment letter of 12th December, 2016 was also between the petitioner and the respondent no.8.

There is hence little doubt that the petitioner claims compensation from the respondent no.8 which is a private entity. It is also clear that the claim for compensation is based on an agreement between the petitioner and the respondent no.8.

This court is accordingly of the view that the petitioner should approach the civil court which is available to her if the petitioner is so advised. The petitioner's remedy is not before the writ court under Article 226 of the Constitution of India.

W.P.A.16204 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)