

Ct. 05
Item No.19
17.04.2023
(Suvendu)

WPA 7330 of 2023

**Ideal Villas Owners Association & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Subir Sanyal
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
Ms. Sumouli Sarkar
.....for the petitioners

Mr. Nilotpal Chatterjee
Ms. Amrita Panja Moulick
.....for the State

Mr. Soumava Mukherjee
Mr. Dipanjan Biswas
....for the respondent nos.6-8

After hearing learned counsel appearing for the petitioners, the Competent Authority and the private respondents, it appears that the petitioners in an earlier writ petition (WPA 11958 of 2021) were given an opportunity of exploring their remedies before the appropriate forum in accordance with law. This is an order of 3rd August, 2021.

It is an admitted fact that the petitioners applied before the Competent Authority under the 1972 Act on 13th September, 2021 and the Competent Authority has already heard the parties four times, the last of which was on 20th May,

2022. The private respondents are also before the Competent Authority.

Although learned counsel appearing for the Competent Authority /State raises a point of the Authority not being competent to go into the issue-in-question, this Court is of the view that the concerned Authority shall complete the hearing which started from September, 2021 within a period of three weeks from today. As the petitioners and the private respondents are already before the Authority, no additional directions are required to be passed on that count. The Competent Authority shall pass a reasoned order after hearing all necessary parties within the time directed and a copy of the order shall be made available to the petitioners and the private respondents within a week from the date on which such order is passed.

Needless to say, the 1972 Act, the relevant Rules and Bye-laws as well as The Companies Act, 1956 shall be taken into consideration.

WPA 7330 of 2023 is disposed of with the directions as stated above.

It is made clear that this Court has not gone into the question of whether the application made by the petitioners before the Competent Authority is maintainable.

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

(Moushumi Bhattacharya, J.)