

Ct. 14
Item No.22
10.08.2023
(Suvendu)

WPA 17561 of 2023

**Kalyani Rani Deb
@ Kalyani Deb
Vs.
State of West Bengal & Ors.**

Mr. Soumya Basu Ray Chowdhuri
Mr. Sarbananda Sanyal
.....for the petitioner

Mr. Ratul Biswas
Mr. Parikshit Goswami
.....for the State

Mr. Arnab Chatterjee
.....for the respondent no.6

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take steps in terms of the representation dated 20.06.2023.

Affidavit of Service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record. A copy of the report has handed over to learned counsel appearing for the petitioner.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of Flat Nos. 205, 304 and 404 at Plot No. 303, JL No. 12 within Bally Municipality. There is no registered

association for the flat owners in the building / complex and that is why the petitioner has not been paying maintenance for sometime because he could not find out as to whom he pay such money. But, that is no reason for the association people to demand such money as maintenance charges or disconnect water supply. However, after filing the writ petition the water connection has been restored for two flats. Necessary action may be taken by the respondent authorities in this regard.

Learned Counsel representing the State relies on the report and submits as follows. The petitioner is indeed the owner of the flats, but she has not been paying maintenance charges for sometime. In fact, she does not even reside in the building and has let out those flats to others. However, on the complaint of the petitioner, a proceeding has been drawn up by the police under Section 107 of the Code.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed on behalf of the State.

It appears that the prime grievance of the petitioner is that water was stopped to her flats, has substantially been redressed. If the association has not resumed water connection in the third flat, they shall do so immediately.

However, the association or the adhoc association, as it may be, shall be at liberty to take appropriate steps for recovery of maintenance dues from the petitioner.

So far as the allegation of police inaction is concerned, the police have acted by instituting a proceeding under Section 107 of the Code.

Therefore, no further orders need be passed in the writ petition and the same is disposed of accordingly.

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

(Jay Sengupta, J.)