

S/L 189
24.07.2024
Court. No. 9
Sourav

**WPA 15070 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024**

**Bijan Kumar Das & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Amitava Mukherjee
Ms. Arpita Saha
Ms. Ankita Ghosh*

...for the petitioners.

*Mr. Ratul Bhattacharjee
Mr. Rudra Dev Bagchi
Mr. Soumabrata Ganguly
Mr. Prem Kumar Singh
Ms. Moumita Mandal*

...for the respondent nos. 3 to 7.

*Mr. Somnath Ganguli, Ld. AGP
Mr. Bikash Goswami*

...for the State.

1. Affidavit-in-opposition, filed by respondent nos. 3 and 6 and affidavit-in-reply filed in Court today, are taken on record.
2. The petitioner is aggrieved by various steps taken by the Regent Ganga Association of Apartment Owners with regard to holding of elections of the association, the claim of the respondent no. 5, Avinash Prasad, as the alleged Chairman of the Association and other similar related illegal activities.
3. It is contended that various representations had been made before the Estate Manager/Competent Authority, Housing Department, Government of West Bengal in terms of the provisions of the West Bengal

Housing Apartment Ownership Act, 1972, but no steps have yet been taken. Taking advantage of the situation, the respondent Nos.3 to 7, have acted in total disregard to the law.

4. The writ court cannot adjudicate a private dispute between the apartment owners and some of its member. A proceeding, as provided in the West Bengal Housing Apartment Ownership Act, 1972 must be initiated by the Competent Authority on the basis of the allegations and the submissions made by the petitioners. The petitioners have brought the matter to the notice of the authority by filing representations. They have invoked the jurisdiction of the authority.
5. Under such circumstances, the writ petition is disposed of directing the Competent Authority, under the 1972 Act, to dispose of the representations made by the petitioners in accordance with law, upon granting an opportunity of hearing to the petitioners as also the representative of the respondent nos. 3 to 7.
6. A reasoned order shall be passed within a period of two months from the date of communication of this order. The same shall be communicated to the parties.
7. Accordingly, the writ petition is disposed of.
8. However, there will be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)