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20.05.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2046 of 2025

SHRI BISWADIP BASAK
Vs.
THE STATE OF WEST BENGAL & ORS.

Mr. Sudipta Dasgupta
Mr. Baibhav Roy

...for the Petitioner.

Mr. Gopal Chandra Das

...for the KMC.

Mr. Arpita Mondal.

...for the State.

Mr. Dhilon Sengupta.
Mr. Ayan Chakraborty.
Ms. Sohini Mukherjee.
Mr. S. Sarkar.

... For the respondent nos. 3 and 4.

Mr. Jayanta Narayan Chatterjee. Sr. Adv.
Mr. Supreem Naskar
Ms. Jayashree Patra

...for the Respondent nos. 8-10.

1. The order dated 19th May, 2025 passed by the Special Commissioner & Competent Authority under the West Bengal Apartment Ownership Act, 1972 has been placed before this Court.
2. It appears therefrom that the present Board of Managers of the Association has been superseded with immediate effect by appointment of an Administrator. The Administrator has been directed to-
 - a. settle the issues raised by the petitioner in accordance with law, b. conduct thorough audit of annual financial statements, c. to take necessary action for conducting election of the office of the managers of the Board of

Managers of the Association following the provision of the said Act and Bye-laws and d. to perform all the functions of the Board of Managers of the said Association till such date as the Board of Managers of the said Association is lawfully elected by the members of the said Association or a period of six months from the date of this order, whichever is earlier.

3. Learned advocate representing the Corporation relies upon the instruction forwarded by the Assistant Engineer (Civil) and the Executive Engineer (Civil) (Building) Borough -X signed on 5th May, 2025 clearly mentioning that on receipt of the complaint, a departmental inspection was conducted and it was found that a four storied building exists at the premises no. A/18/2 (P), Uday Sankar Sarani, presently A/18/2/1 Uday Sankar Sarani, Ward No. 95 (Br. X).
4. Plan was sanctioned for construction of two storied building vide B. S. No.-384 dated 26/2/1988. On enquiry it revealed that the four storied building was constructed a few years back. No construction was going on during the time of inspection. The Department has proceeded the case under Section 400(1) of the KMC Act 1980 and date of hearing before the Special Officer (Building) was fixed on 7th May, 2025.
5. As it appears that the authority has already acted in response to the complaint lodged by the petitioner, accordingly, no useful purpose will be served by keeping the writ petition pending.
6. The Administrator so appointed shall take steps in the matter strictly in accordance with law.

7. The writ petition stands disposed of.
8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)