

07.05-2025
Item No.ML 147
Court No. 14
AGM

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.6191 of 2025

Dr. Subir Kumar Saha

-vs-

The State of West Bengal & Ors.

Mr. Sunny Nandy
Ms. Oindrila Ghosal
Mr. Prashant Sekhar Pandey ...for the petitioner

Mr. Ratikanta Pal
Mr. Rittik Mondal ...for the private respondents

Mr. Biswabrata Basu Mallick. Ld. G.P.
Mr. Biman Halder.
... for the State.

1. The order dated 6th March, 2025 passed by the competent authority under the West Bengal Apartment Ownership Act, 1972 appointing an Administrator to perform the functions of the Manager or the Board of Managers is impugned herein.
2. The petitioner claims to be the President of the erstwhile Association which was functioning. The Association was, however, not constituted on election but by consent of the owners.
3. The petitioner does not have any objection to the election being held but prays for appointment of a representative of the competent authority to oversee the election process.
4. Learned advocate representing the Administrator submits that the petitioner is not handing over the details of the owners of the subject complex

for which the electoral list of the voters cannot be prepared. The Administrator is also not in a position to conduct any meeting.

5. Learned advocate representing the petitioner has handed over the list of the owners to the learned advocate representing the Administrator in Court today.
6. The Administrator is directed to take steps pursuant to the said list. The list will be updated as per requirement.
7. The competent authority is directed to engage a responsible officer to supervise the process of election.
8. All parties shall ensure that the election is conducted strictly in accordance with the provisions of law.
9. The writ petition stands disposed of.
10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]

