

ML 32
07.07.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15804 of 2024

**Probir Kumar Das @ Probir Das & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Mani Sankar Chattopadhyay,
Mr. Gopal Chandra Mondal.
...For the Petitioners.**

**Mr. Ayan Chandra Roy,
Mr. Sutanu Chakrabarti.
...For the State.**

**Mr. Gouranga Kumar Das,
Ms. Jayita Dhar Chakraborty.
...For UOI.**

**Mr. Pratip Kukherjee,
Mr. Aditya Chakraborty,
Ms. Rima Bhattacharjee.
...For the Respondent Nos. 5 & 6.**

1. The petitioners challenge the order passed by the National Consumer Disputes Redressal Forum. The dispute revolves around a power of attorney and an agreement of development.

2. Learned advocate appearing on behalf of the petitioners submits that the parties did not enter into the development agreement. The power of attorney has not been given by the land owner to the developer for sale of property to third parties. Neither did the owner entered into any development agreement with the developer for sale of the any portion of the structure to be constructed.

3. The aforesaid contention is disputed by the learned advocate appearing on behalf of the private respondents.

4. It has been submitted that there is already an agreement which has been signed by the owner the developer and the intending purchaser.

5. Upon hearing the parties it appears that there are several disputed question of facts which cannot be resolved by way of a writ petition.

6. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.

7. The writ petition fails and is hereby dismissed.

8. Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the competent forum for remedy in accordance with law, if so advised.

9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)