

06
12.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18365 of 2025

Bramhajyoti Patra & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta.
Mr. Sondwip Sutradhar.

...for the Petitioners.

Mr. Ansar Mondal. A. G. P.
Mr. Tanweer J. Mondal.

...for the State.

Mr. Nilotpal Chatterjee.

... for the respondent nos. 3 & 4.

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioners were allotted flats by the Housing Department under the 'Akanksha Housing Scheme'. The sale deed executed in favour of the petitioners contains the schedule clearly mentioning the common areas and facilities provided to them.
3. The petitioners allege that the Apartment Association is taking steps to construct car-parking spaces by infringing upon the common areas.
4. Prayer has been made to direct the Authority to restrict such construction over the common areas.
5. The aforesaid allegations of the petitioners are denied by the learned advocate representing the Association of the Apartment Owners. It has been submitted that no construction is being made over the common areas enjoyed by the petitioners.

6. Learned advocate representing the State respondents submits that the common areas, which are mentioned in the sale deed, ought not to be encroached upon.
7. Upon hearing the parties, it appears that the issue has to be decided by the competent authority of the State.
8. In view of the above, the instant writ petition is disposed of by granting leave to the petitioners to file a comprehensive representation highlighting all facts along with documents in support of the allegation of raising construction over the common areas meant for the petitioners.
9. In the event such a representation is filed, the same shall be considered and disposed of by the Additional Secretary, Housing Department being the respondent no. 2 herein after conducting a spot inspection upon giving prior notice to all the necessary parties and thereafter giving an opportunity of hearing to all the parties and by passing a reasoned order.
10. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of filing the representation.
11. Steps taken by the Association for construction of car parking spaces in the common areas as alleged shall abide by the decision taken by the respondent no. 2 in this regard.
12. The writ petition stands disposed of.
13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)