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ORDER SHEET
WPO No.391 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ASOK KUMAR DHAR
VS
THE SPECIAL SECRETARY AND COMPETENT AUTHORITY
UNDER THE WEST BENGAL OWNERSHIP ACT, 1972 & ORS.

BEFORE
THE HON'BLE JUSTICE AMRITA SINHA
Date: 12th June, 2025.

Appearance :
Mr. Arindam Banerjee, Sr. Adv.
Ms. Arpita Saha, Adv.
Mr. Subhankar Chakraborty, Adv.
Mr. Saptarshi Bhattacharyya, Adv.
...for Petitioners.

Mr. Vineet Ruia, (in person)
... Respondent No.2.

1. None appears on behalf of the State.
2. The petitioner claims to be the representative of a promoter and constituted attorney of the majority flat/apartment owners of a multi-storied building at premises no.93, Moulana Abul Kalam Azad Sarani, Kolkata- 700054. The petitioner filed the statutory declaration under Section 2 read with Section 10 of the West Bengal Apartment Ownership Act, 1972.
3. The petitioner seeks registration of the apartments/flats in the said multi-storied building. The application of the petitioner is pending consideration before the competent authority but the same cannot be disposed of in view of an objection filed by the respondent no.2, who is also a flat owner in the said premises.

4. Prayer has been made by the petitioner to direct the competent authority to take steps for registration of the subject apartments/flats.
5. The respondent no.2, appearing in person, submits that several false affidavits have been filed before the competent authority by the petitioner. The private respondent also prays for an opportunity of hearing before the competent authority.
6. From the submissions made on behalf of the parties, it appears that the issue in question is currently pending consideration before the Special Secretary and the competent authority under the West Bengal Apartment Ownership Act, 1972 being the respondent no.1 herein.
7. In view of the above, the instant writ petition is disposed of by directing the respondent no.1 to consider the application filed by the petitioner strictly in accordance with law, the corresponding rules/regulations after giving reasonable opportunity of hearing to the petitioner, the private respondent and any other necessary party and pass a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order.
8. The private respondent shall be provided all documents relied upon by the petitioner prior to consideration of the application of the petitioner. The private respondent shall also be allowed to file additional documents, if required, for the purpose of effective adjudication of the issue.
9. The writ petition is disposed of.
10. Affidavit of service filed in Court today be taken on record.

11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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