

OD-4

ORDER SHEET
WPO No.463 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ARVIND SARAF AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 26th June, 2025.

Appearance:
Mr. Soumava Mukherjee, Adv.
Mr. Souvik Kundu, Adv.
...for the Petitioners.

Mrs. Malabika Saha, Adv.
Mr. Pradeep Pandey, Adv.
...for the Respondent no. 3.

1. The petitioners claim similar relief as granted by the Court on 11th June, 2025 in WPO No.224 of 2024, IA NO: GA/1/2024 in the matter of Smt. Mita Doss & Anr. Vs. State of West Bengal & Ors.
2. Learned advocate for the petitioners submits that the petitioners lie on the same footing as that of Smt. Mita Doss & Anr. (supra). The petitioners have also approached the competent authority under the West Bengal Apartment Ownership Act, 1972 and submits that the authority be directed to look into the issue after affording opportunity of hearing to the petitioners.
3. Learned advocate representing the Association opposes the prayer of the petitioners. It has been submitted that petitioners and Smt. Mita Doss & Anr. (supra) do not lie on the same footing. The petitioners are not paying the maintenance charges.

4. From the submissions made on behalf of all the parties it appears that the petitioners have already filed a representation before the competent authority and the same is pending consideration for a considerable period of time.
5. Without entering into the allegations and counter allegations of the parties at this stage, as it appears that the competent authority is already in seisin over the matter, accordingly, the instant writ petition is disposed of by passing similar order as passed in the matter of Smt. Mita Doss & Anr. (supra) on 11th June, 2025.
6. The competent authority is, accordingly, directed to hear the issues raised by the petitioners and decide the same upon giving reasonable opportunity of hearing to all the necessary parties including the proforma respondents and by passing a reasoned order communicated to all the parties.
7. Till a decision is taken and communicated to all the parties, the Association is directed not to disturb the supply of power enjoyed by the private parties and not to obstruct their free egress and ingress.
8. It is made clear that the competent authority shall not enter into or decide any private civil disputes of the parties and will restrict the consideration only in accordance with the provision of the Act.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)