

29
20.01.2026
Ct. No.5
b.das

WPA 22238 of 2025

Vishal Mittal & Anr.
Vs.
The State of W. B. & Ors.

Mr. Joy Chakraborty
Mr. Souvik Ganguly ...for the petitioners.

Mr. Ashim Kr. Ganguly
Ms. Jyotsna Roy Mukherjee
Ms. P. Dutta ...for the State.

Mr. Debayan Ghosh ...for respondent nos.7 to 15.

Affidavit of service filed by the petitioners and reports submitted by the State are taken on record.

Heard learned counsels for the parties.

The petitioners and the private respondents are owners of several residential units in Indraprastha Phase-II Complex.

The petitioners allege that the private respondents who are members of the flat owners' association have failed to maintain any accounts for the amount paid by the petitioners with regard to maintenance of their respective units. The association has not been registered under the West Bengal Apartment Owners' Act, 1972. Also, the basic amenities provided to the petitioners in their respective units have been suspended by the private respondents.

The petitioners lodged complaints in this regard before the police authority which have not been considered.

Denying the allegation learned counsel for the private respondents submits that no essential service of the petitioners has been stopped/suspended by the private respondents. They do not intend to do so. The petitioners have not been paying maintenance charges for the units owned and occupied by them for which the private respondents are finding it difficult to maintain the society. Several requests made to the petitioners to clear their maintenance dues and cooperate with them fell on deaf ears.

It appears that pursuant to the complaint lodged by the petitioners, the Sub-Divisional Officer, Bidhannagar discussed the issue with both the parties and suggested certain solutions for their dispute.

This Court is informed that the said suggestions have not been adhered to by the parties.

The issue involves several factual disputes which cannot be dealt with by this Court in exercising jurisdiction under Article 226 of the Constitution of India. The petitioners are at liberty to approach the appropriate forum for adjudication of such issues.

In the meantime, since the petitioners allege ill treatment and misbehaviour by the private respondents, the police authority shall keep strict vigil in the area in order to avoid any untoward incident and shall ensure maintenance of peace and tranquility therein. It is expected that both the parties shall occupy their respective

units without causing any disturbance to the peaceful possession of each other.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)