4. 30.10.2026
(D/L) CT. NO. 07
(SWARUP-A.R.CT.)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 31444 of 2026

KawnaChatterje
Vs.
State of West Bengal&Ors.
.....

Mr. SubirSanyal, Sr. Adv,
Mr. Avirup Chatterjee,
Mr. Rishov Das,
Mr. Shantanu Chakraborty,
Mr. Aniruddha Das.

... For Petitioner.

Mr. Samrat Mukherjee,
Mr. Asis Mukherjee.

... For State.

Mr. Deepan Kumar Sarkar,
Mr. RitobanSarkarm
Ms. Madhuja Barman,
Ms. Swati Banerjee.

... For Respondent.

1. Affidavit of service filed today be kept with the record.

2. The grievance of the writ petitioner in the present writ petition is that the petitioner is intending to carry out repair work, renovation and furnishing in the unit owned by her in the residential complex. The respondent nos.4 and 5 restrained the men, agents and workers of the petitioner from entering the unit owned by the petitioner which the private respondent Nos.4 and 5 are not entitled do. The petitioner has lodged a complaint with the police on October 26, 2026 by Email but the police authority has not yet taken any steps. Alleging the inaction on the part of the police, the present writ petition has been filed.

3. The learned Senior Counsel for the writ petitioner pointed out that the complaint was lodged on October 26, 2026 but till date, the police has not yet taken any steps. During the festive season, there is an urgency and as such, the petition is moved before this Court alleging in-action on the part of the police authorities.

4. The learned Senior Counsel refers to Rule 4 of the West Bengal Apartment Ownership Bye-Laws, 2022 and submits that by virtue of powerentrusted on the association, the association can take care of the decision relating the common areas and not with regard to any particular unit or inside the unit.Learned Senior Counsel further submits that the association is creation of a statutory rule and as such, the writ petition is very well maintainable against the association.

5. The learned Senior Counsel for the State submits that the immediately after filing of the complaint on October 26, 2026 by Email, the writ petition has been filed on October 27, 2026 upon getting leave of this Court during vacation. The learned Counsel has not yet received any instruction with regard to the action taken by the police authority in relation to the complaint dated October 26, 2026 as yet.

6. Learned Counsel appearing for the respondent No.4 and 5 submitted that the complaint dated October 26, 2026 cannot be taken care of as after submission of the complaint by Email, no signed copy of the complaint has been submitted in the concerned police station and as such, the requirement of Section 173(1)(ii) of the BNSS, 2023 has not been complied with. He further submitted that the petitioner is defaulter with regard to the payment of common area maintenance charges

and two civil suits are pending before the Civil Court in this regard.

7. Be that as it may, since the complaint has been lodged with the police authorities and considering the contents of the complaint, it is directed that the police authorities shall take appropriate steps with regard to the complaint dated October 26, 2026 in accordance with law as early as possible.

8. This order shall not prejudice the parties in the pending civil suits in any manner.

9. With this observation, WPA 31444 of 2026 is disposed of.

10. No order as to costs.

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

(SANDIP KUMAR DE, J.)