

11-03-2025  
Item No.3  
Subrata  
Bhattacharyya  
AR(C)

**IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
Appellate Side

**WPA No.1584 of 2025**  
**Rajamuthaiya Paramanandam**  
**-vs-**  
**The State of West Bengal & Ors.**

Mr. Ayan Banerjee  
Mr. Kausik Karkamar ...for the petitioner

Mr. Shuvro Prokash Lahiri  
Mr. Amritalal Chatterjee ...for the State

Mr. Siddharta Banerjee  
Mr. Aritra Basu  
Mr. Abhijit Sarkar ...for respondent no.4

1. The order dated December 4, 2024 passed by the Appellate Authority under the West Bengal Apartment Ownership Act, 1972 (Annexure P110, p.455) is impugned in the instant writ petition.
2. Heard the respective submissions advanced on behalf of the petitioner, the State and the fourth respondent.
3. According to the petitioner, the fourth respondent being the promoter of the apartment is trying to use a portion of the land outside the complex for parking cars without amalgamating such portion with the land of the complex.
4. Learned counsel for the fourth respondent submits that under the provision of the 1972 Act, there is no requirement for amalgamating the adjoining property for the purpose of allowing the apartment owner to park the cars over there. It is submitted that the fourth respondent is

proceeding with the submission of Form-E before the authority.

5. Learned counsel for the fourth respondent also raises the point of maintainability of the writ petition. He submits that an absolute private dispute between them has been sought to be resolved by way of this writ petition which is not maintainable.
6. Learned counsel for the State seeks time to obtain instruction.
7. Under the circumstances, the writ petition stands adjourned till March 18, 2025.
8. Specific written instructions shall be obtained as to whether there is any requirement of amalgamating the adjoining land for bringing it inside the fold of the complex and permit the apartment owners to park their cars in the said place.
9. The point of maintainability is left open to be decided at the time of final hearing of the writ petition.
10. Affidavit of service filed in Court be taken on record.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

[Amrita Sinha, J]

