

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2303 of 2016

- Smt. Shanti Tiwari W/o Shri K.R. Tiwari, Aged About 52 Years R/o Wardhaman Colony, Jagdalpur District Jagdalpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation Mantralaya, Chhattisgarh Raipur Chhattisgarh
2. The Municipal Corporation, Through Its Commissioner, Jagdalpur Chhattisgarh
3. The Assistant Engineer, Water Distribution Section Of Department, Nagar Palika Nigam, Jagdalpur Chhattisgarh
4. Vivek Shukla, S/o Late Ravishankar Shukla, R/o Nayapara Motilal Nehru Ward Jagdalpur District Bastar Chhattisgarh

---- Respondent

For Petitioner
For Respondent-State

Shri P. S. Baghel, Advocate
Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/09/2016

1. The petitioner has preferred this petition under Article 226 of the Constitution of India seeking quashment of the order dated 08.02.2016 (Annexure-P-4) passed by the Municipal Corporation, Jagdalpur as also for issuance of direction to

the respondent Nos.2 & 3 for disconnecting Water Connection No.2130, Card No.108, Khata No.3, Page No.108 in favour of the respondent No.4.

2. The petitioner alleges that the respondent No.4 is not her tenant, but he is a sub-tenant, therefore, he is not entitled for obtaining water connection without consent of the landlord. On an earlier occasion, the respondent No.4 had preferred an application for restoration of water supply before the Lok Adalat, Jagdalpur, however, the said application was withdrawn vide order dated 31.07.2015 and thereafter when the petitioner moved an application before the Municipal Corporation, Jagdalpur for disconnection of the water supply, the same has been rejected on the ground that the water connection was granted on the basis of interim order in favour of the respondent No.4 granted by the permanent Lok Adalat, therefore, the water connection cannot be disconnected.
3. In the considered opinion of this Court, the dispute has arisen between the petitioner, who is owner of the premises and the respondent No.4, who claims to be the tenant, however, according to the petitioner, he is infact the sub-tenant.
4. Be that as it may, in extra ordinary equitable jurisdiction under Article 226 of the Constitution of India, this Court shall not direct withholding of essential services in favour of a

person, who is in occupation of the premises whether as a tenant or sub-tenant. If the petitioner so desires, she may approach the Jurisdictional Rent Control Tribunal constituted under the Chhattisgarh Rent Control Act, 2011, for redressal of her grievances, if it is permissible in law.

5. The writ petition stands dismissed, subject however to the above observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala