

(42)
30.09.2020
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

(Via Video Conference)

WPA 6914 of 2020
With
IA No : CAN 1/2020

Uttam Mondal
-versus-
The State of West Bengal & ors.

Mr. Shibaji Kr. Das,
... for the petitioner.

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty,
... for the State respondents.

The grievance of the petitioner is that the private respondent no. 8 by taking advantage of an order of injunction passed in a partition suit pending between the petitioner and the said private respondent is not giving him access to the portion of the property where the water supply line is situated and he is seeking the issuance of a writ of mandamus against the respondent/Municipal authority to provide him a separate water connection.

The issue raised in the present writ petition is completely private in nature and the same can only be addressed appropriately before the Civil Court where the suit for partition is pending.

That being the position, the writ petition being WPA 6914 of 2020 is dismissed.

However, dismissal of the writ petition will not prevent the petitioner to approach the Civil Court for appropriate relief in the pending suit.

The connected application being CAN 1 of 2020 is also disposed of.

However, there shall be no order as to costs.

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

(Biswajit Basu, J.)