

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 8706 of 2019

**Kanan Behari Chakraborty
-versus
The State of West Bengal & Ors.**

Mr. Amritam Mondal,
Mr. Aditya Mondal
...for the petitioner

Mr. Pantu Deb Roy,
Mr. Anand Fermania
...for the State

The grievance of the petitioner is that, despite the petitioner enjoying an order of the civil court, passed in Title Suit No. 3 of 2015 (C.I.S. No. 3733 of 2014), the private respondent/landlord has been disturbing the water supply to the petitioner's tenanted premises, thereby violating the order of the civil court. The petitioner approached the civil court for redressal, on which police help was granted and, it is submitted, the police filed a report to the effect that water was being supplied to the petitioner's premises through a polythene pack which runs through impure channels. As such, learned counsel for the petitioner submits that there should be proper enforcement of the order of the civil court by the police authorities, more so, since the regular classes being run by the petitioner at the

premises are being hampered and the health of the minor students are being endangered.

Learned counsel appearing for the State submits that the police have done their best and there is nothing further for the police to do in the matter.

It appears from the submissions of both sides that the police has been to the premises and ensured that connection was given. However, despite such action on the part of the police, it appears that the private respondent is not supplying potable water to the petitioner's premises. The nature of the injunction order is such that the same cannot be implemented without round-the-clock police presence, which would not be conducive to the environment of a school, like the one the petitioner is running at the premises.

Certain orders of injunction, like the one under consideration, are not implementable after a certain level. It is not possible for the police to be present at the suit premises 24 hours a day and ensure that the landlord does not disrupt water supply to the petitioner's premises by manipulating the stopcock on the water pipeline.

In the event proper potable water is not being provided by the landlord, it is open to the petitioner to approach the trial court in the suit-in-question to seek necessary permission for having alternative connection in his own name to the premises-in-question or to seek

a direction on the private respondent to supply water through a different channel, to ensure purified water being supplied to the premises.

However, it is beyond the jurisdiction of the police and/or the writ court to go into the said question, particularly in view of the pendency of the suit.

Accordingly, WPA No. 8706 of 2019 is disposed of by granting the petitioner liberty to approach the civil court with an appropriate prayer for taking independent water connection and/or ensuring that a proper pipeline is used to give potable water to the petitioner at the disputed premises.

If such an application is made, the civil court shall consider its merit and decide the same in accordance with law, without being prejudiced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)