

21.12.2020

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**W. P.A. 8853 of 2020**

**(Via Video Conference)**

Ram Krishna Bhattacharyya

Vs.

State of West Bengal & Ors.

Mr. Amit Kumar Bhattacharyya

Mr. Avijit Roy

... For petitioner.

Affidavit-of-service is filed.

Mr. Bhattacharyya, learned advocate appears on behalf of petitioner and presses for orders on it. None appears on behalf of respondents.

The writ petition was moved on 10<sup>th</sup> November, 2020 before coordinate Bench (Shekhar B. Saraf, J.). Order dated 10<sup>th</sup> November, 2020 says, inter alia, only service upon respondent no. 9 was not complete and therefore direction to serve again. Fresh affidavit-of-service has been filed, enclosing postal article addressed to respondent no. 9 but returned to petitioner with endorsement 'unclaimed'.

Mr. Bhattacharyya submits, his client had filed W.P. 7580 (W) of 2018 earlier praying for water connection. He demonstrates from sketch at page 18 of the writ petition that water connection is available to be given from municipal road. Such was also said by the Municipality in its affidavit-in-opposition filed in the earlier writ.

Paragraph 15 of the affidavit is reproduced below: -

*“With reference to the statements made in paragraph 29, 30, 31, 32 and 33 of the writ petition I deny that the application is made bonafide and for the ends of justice, I submit that the municipal authorities are ready and willing to install the water connection in the said premises without any delay with the assistance of local police authorities. The Municipality is will to perform statutory duties by installing water connection in the premises of the petitioner.”*

The writ petition was dismissed for default and petitioner has come with this writ petition, since in the earlier one there was no pleading or prayer for police help, which have been included in this writ petition, as submits Mr. Bhattacharyya.

Considering that petitioner's earlier writ petition was dismissed for default, Court does not find any impediment in dealing with this writ petition, on merits. Absence of respondents also cannot be an impediment because service is complete.

Mr. Bhattacharyya has prayed a date be fixed, in event Court directs the Municipality to give water connection to his client. He has also prayed for police help. The Municipality will give water connection to

petitioner. Petitioner will obtain and serve copies of this order on the Municipality as well as the local Police Station. The Municipality will fix a date for giving water connection to petitioner at his premises, indicated in page 18 of the writ petition. Time can also be mentioned by the Municipality. This will be informed to the Police by the Municipality, in requiring assistance for the purpose. Petitioner should also be notified.

Water connection should be given to petitioner within two weeks from date of communication of this order.

With above directions the writ petition is disposed of.

(Arindam Sinha, J.)