

Court No. 24
22.03.2021
(Item No. 11)
(AB)

W.P.A 524 of 2020
+
CAN 1 of 2021

Shrimati Dipti Patra
vs
The State of West Bengal & Ors.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Roy
..... for the petitioner
Mr. N. G. Mukherjee
Ms. Susmita Chowdhury
... for the added respondent
Ms. Susmita Dasgupta
Mr. Md. Hafiz Ali
..... for respondent No. 2 & 3
Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
..... for the State

In Re: **CAN 1 of 2021**

The application filed by the petitioner for adding the landlord as a party respondent is allowed.

The learned advocate appearing on behalf of the land lord submits that a Title Suit is pending consideration before the learned Court below.

The Title Suit will proceed in accordance with law.

Accordingly, CAN 1 of 2021 is disposed of.

In the writ petitioner the petitioner has prayed for a direction upon the Budge Budge Municipality to supply non-domestic water at the premises of the petitioner.

The learned advocate appearing on behalf of the Budge Budge Municipality submits, upon

instructions, that in view of the order of status quo passed by the learned Court below in Title Suit No. 1834 of 2018 the Municipality is not in a position to effect the water connection at the premises of the petitioner.

The order passed by the learned Court below on 29th November, 2018 mentions that “the defendants are hereby restrained from disturbing and interfering with the peaceful possession of the plaintiff in the suit property, from taking forcible possession of the same and are further restrained from evicting the plaintiff from the suit premises otherwise than in due course of law”.

The order of injunction does not restrain grant of water connection in the said premises for the purpose of proper enjoyment of the suit premises. Moreover the Municipality is not impleaded as party defendant in the pending Suit.

In view of the above, the instant writ petition is disposed of by directing the Budge Budge Municipality to take steps for grant of non-domestic water connection at the premises of the petitioner, strictly in accordance with law, within a period of eight weeks from the date of communication of a copy of this order.

The order of injunction will not stand in the way of the Budge Budge Municipality from effecting the water connection in the premises of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)