

22.02.2021
SL No.2
Court No.24
(P.M.)

WPA 1864 of 2019

**Dr. Dhruba Jyoti Ghosh & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Arnab Dutt,
Ms. Soumi Mukhopadhyay
... for the petitioners

Mr. Kallol Basu,
Mr. Nilanjan Pal
... for the respondent No. 7.

Ms. Sima Chakraborty
... for the Kolkata Municipal
Corporation.

It appears from records that a Co-ordinate Bench of this Court in W.P. No. 5720(W) of 2009 vide an order dated 21st May, 2009 directed the Kolkata Municipal Corporation to submit a report after making investigation as to whether there is any other alternative source of water which can be used and/or utilised by the private respondent therein, independently, without causing any disturbance to freedom of the petitioners.

In terms of the direction passed by the Court, the Executive Engineer (Water Supply) has filed a report mentioning that “considering the facts and circumstances it is proper and appropriate that the petitioner will install a separate $\frac{3}{4}$ ” size diameter of new water pipeline from the rooftop reservoir to the first floor establishment of the petitioner along the Northern side vertical wall of the

building and there should not be any controlling devices on this pipeline”.

The petitioners submit that the petitioners and the private respondent has settled the matter out of the Court and have come to an understanding that the direction passed by the Executive Engineer, Water Supply department would be implemented.

The terms of settlement signed by the petitioners as well as private respondent affirmed before the Notary Public on 19th February, 2021 has been filed in Court and the same is kept with the record.

In view of the settlement arrived at in between the parties there is no further requirement of keeping the writ petition pending. The same stands disposed of accordingly.

WPA 1864 of 2019 stands disposed of.

In view of the settlement arrived at in between the parties in the instant writ petition, the earlier pending writ petition being W.P. No. 5720(W) of 2009 becomes infructuous. The same is treated as on day's list and is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)