

16.12.2021
Item No.12.
Court No.6.
S. De

Through Video Conference

**F.M.A. 862 of 2021
I.A. No. CAN/1/2021**

Dashu Rajbhar.

Vs

The Howrah Municipal Corporation & Ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
...for the appellant.
Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
...for the H.M.C.

By consent of the parties, the appeal and the application are taken up for hearing together.

The writ petitioner approached the learned Single Judge with the grievance that the Howrah Municipal Corporation has laid down service pipes to supply filtered water to the two tenants of the writ petitioner. This, according to the writ petitioner, is illegal and in contravention of Section 136 of the Howrah Municipal Corporation Act, 1980.

The learned Judge recorded the submission of the Corporation's learned counsel that there is no bar to the Corporation laying down more than one water service pipe in a particular premise. The learned Judge observed that there is a private dispute between the writ petitioner and the private respondent for

which a suit is pending before the Civil Court. The writ petition was dismissed. Hence, this appeal.

We have heard learned counsel for the parties. We have seen Section 136 of the Howrah Municipal Corporation Act, 1890 which reads as follows :-

“Power of Commissioner to allow owner or occupier of premises to lay down service-pipes.- Subject to such conditions as the Corporation may from time to time impose, the Commissioner may allow any person owning or occupying any premises to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises a supply of filtered and unfiltered water for use therein under the provisions of this Act or the regulations made thereunder.”

We cannot read the aforesaid Section in the manner learned Counsel for the appellant would want us to read. There appears to be no bar to the Corporation laying down more than one service pipe from the mains for the purpose of catering to the needs of different people in the same premises.

We find no merit in the grievance of the writ petitioner/appellant. There is no infirmity in the order of the learned Single Judge. We, however, make it clear that the water connection given by the

Corporation to the private respondent shall not create any equity in her favour.

The appeal being F.M.A. 862 of 2021 is dismissed along with the connected application being I.A. CAN 1 of 2021.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)