

W.P.A. 5182 of 2021

(Through Video Conference)

**PRAKASH CHANDRA PRADHAN & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.**

**Mr. Srijib Chakraborty
Mr. Abdur Rakib
Mr. Subhranil Saha
 ...for the petitioners
Mr. P.C. Das
 ..for the Municipality
Mr. Surajit Basu
 ..for the private respondents
Mr. Sudipta Panda
Ms. Munmun Tiwari
 ..for the State**

This writ petition has been filed challenging inaction on the part of the Tamralipta Municipality in disposing of the representations filed by the petitioners.

Learned Advocate for the Municipality points out to the contents of the representations of the petitioners. From the representations, it appears that the petitioners have challenged encroachment by the respondent nos. 9 to 12 and have also stated that these respondents with the help of the Municipal authorities were extending a pipeline over the land exclusively in use and occupation of the petitioners.

It is submitted by the learned Advocate for the petitioners that the municipal authorities do not have any

right to draw any water pipeline underground or through the land of the petitioners.

However, I do not find any such contention of the petitioners in any of the representations made before the authorities. Rather, the case of encroachment on a portion of land of the petitioners have been made out and grant of water connection to such unauthorized construction has been challenged.

The question of encroachment cannot be gone into by the municipal authorities. It is for the petitioner to move the Civil Court.

It is submitted by the learned Advocate for the Municipal Authorities that the ferrule has been installed on the road, outside the land of the petitioners and the private respondent. If any pipeline has been drawn through land of the petitioners, the municipality could not be held responsible.

It is submitted by the learned Advocate for the respondent nos. 9 to 12 that the petitioners' house is surrounded by a boundary wall and no pipeline has been drawn through the land of the petitioners.

Be that as it may, having considered the submissions made by the parties and when it is specifically contended by the Municipality and the respondent nos. 4 to 12 that they have not drawn any pipeline through the land of the petitioners and the

petitioners have disputed such submissions, the best course of action challenging such encroachment and laying of pipeline would be to file a civil suit.

This Court cannot decide the question of title or encroachment. The petitioners' remedy is to file a Civil suit, in accordance with law.

The petitioners have failed to satisfy the Court as to the violation of any statutory or fundamental rights. The allegations of encroachment and drawing water pipeline over the land of the petitioners by the private respondents are not matters to be decided either by the municipality or by this Court.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar,J.)