

Court No. 24

29.07.2021

(Item No.113)

(AB)

C.P.A.N. 467 of 2021

in

W.P.A. 9857 of 2020

ARUN KUMAR ROY AND ANR

VS

HIRAK MONDAL AND ANR

Mr. Anirban Dutta

Mr. Abir Chakraborty

... For the Petitioners

The petitioners allege violation of the direction passed by the Court on 15th January, 2021.

The writ petition was disposed of by the Court directing the Chakdaha Municipality to take steps for effecting water supply connection in the premises of the petitioner. The order of the Court was communicated by the learned advocate of the petitioners to the Municipality by a communicating letter dated 30th January, 2021.

The Office of the Board of Administrators issued a communication dated 25th March, 2021 signed by the Executive Officer of the Municipality whereby the petitioners have been intimated that the Board is not in a position to make pipeline water connection at their premises because the actual distance from main line (water) of the Municipality to their premises is 113 feet.

The Board of Administrators in the meeting dated 16.12.2019 resolved that water pipeline

connection up to 60 feet from the main line can be effected. The distance was fixed relying on the water pressure of the said line.

The communication mentioned that in the prescribed format filed by the petitioners for obtaining the water connection, the petitioners had mentioned that the actual distance from the main line to their connection was 32 feet. The men and agents of the Municipality physically measured the distance and found that the same was 113 feet. The said distance is beyond the current decision of the Board of Administrators. The petitioners have been intimated that the main line will be extended in the near future and preference will be given in their case.

In view of the aforesaid communication made by the Municipality to the petitioners it appears that there is no willful, deliberate and/or intentional violation of the direction passed by the Court. The Municipality had in fact acted in compliance of the direction passed by the Court and measured the distance of the petitioners' residence with the main line. As the petitioners' premises was more than the permissible distance to which the water connection is being effected at the present by the Municipality, accordingly, the Municipality failed to provide the water connection.

Accordingly, no relief can be granted to the petitioners in the instant contempt application.

C.P.A.N. 467 of 2021 stands dismissed.

However, it will be open for the petitioners to challenge the decision of the Municipality if they are aggrieved by the same.

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

(Amrita Sinha, J.)