

S/L 4
09.12.2021
Court. No. 19
GB

WPA 12136 of 2021

Bijoy Chakraborty
Vs.
The Chairperson, Board of Administrator,
Maheshtala Municipality & Ors.

(Through Video Conference)

*Mr. Tapan Coomaar Dey,
Ms. Shreya Chatterjee.*

...for the Petitioner.

*Mr. R. N. Chatterjee,
Mr. M. Ahmed.*

...for the Municipality.

Mr. Biswabrata Basu Mallik.

...for the Respondent No.3.

The report filed by the Maheshtala Municipality is unsatisfactory. However, it appears that a narrow passage about 6ft. wide is available from the main road to the plot of the petitioner, over which the CESC has drawn the electric lines for supply of electricity to the premises of the petitioner.

Although, the parties are raising rival claims with regard to the title over the alleged passage, this Court is of the opinion that in order to balance the situation, a temporary water connection may be given to the petitioner through that passage until the suit is disposed of.

It is the specific contention of the petitioner that the alleged passage is a vacant space between two houses and the respondent no.3 does not use the said passage at all. However, these are the issues, to be decided by the civil court. As of now, this Court is of the opinion that the

petitioner cannot be expected to continue to reside in his house without water and a temporary arrangement must be made.

The Maheshtala Municipality shall ensure that a temporary water connection is given in such a way that the same does not hinder the ingress and egress of any other person through the said passage.

As it is submitted by Mr. Chakraborty, learned advocate appearing on behalf of the Municipality that the water connection shall be underground and temporary in nature, the parties to the proceeding shall not be affected in any way by such connection. No party will claim any equity with regard to the connection. The title over the land will be decided by the civil court, in case, the passage is a part of the civil suit, although the plaint does not mention the passage and the photographs filed by the municipality show as piece of vacant land, between two houses.

The Municipality shall make all efforts to ensure that the water connection should be placed in a way that the rights of the respondent no.3 are protected to the extent possible.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)