

15.09.2021
Sl. No.21
srm

W.P.A. No. 13242 of 2021

Mohammad Yousuf

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Daanish Haque,
Mr. Abdul Zahid

...for the Petitioner.

Mr. Biswajit Mukherjee,
Mr. Subhrangsu Panda

...for the KMC.

Affidavit of service is taken on record.

The petitioner is aggrieved by the inaction on the part of the Kolkata Municipal Corporation in supplying water to the premises of the petitioner. It is the specific pleading of the petitioner that only the petitioner is not getting the water supply although the other flat owners and residents are getting water.

Mr. Mukherjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits that the corporation's water supply has been connected to the premises. If any individual owner of the flat is not getting water, the matter is a private dispute and it is not for the Kolkata Municipal Corporation to look into the matter. However, the petitioner is always at liberty to employ an enlisted plumber of the Kolkata Municipal Corporation to

check the connection and repair the same upon payment by the petitioner.

Upon hearing such submissions, this writ petition is disposed of without any order. The petitioner is always at liberty to approach the enlisted plumber of the KMC for repairing and fixing his personal water connection at his own cost as a private arrangement in case the petitioner is in possession of a flat at premises No. 114 Topsia Road. However, this order shall not be construed as a declaration of the right of the petitioner to get a separate water connection. This order cannot be used in any proceeding before any forum or in any dispute that may be existing between the petitioner and other flat owners or co-sharers of the property. The petitioner shall not be allowed to disturb the water connection of the other flat owners and the liberty granted herein shall be subject to any order that may have been passed in any suit or proceeding. It is also not an observation on the possession of the petitioner in the premises.

There will be no order as to costs.

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

(Shampa Sarkar, J.)