

Item No.5

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

02.07.2021
Ct-24

WPA 20323 of 2019
Sri Prahlad Roy

v.

The Commissioner, Howrah Municipal Corporation &
Ors.

Mr. Kartick Kumar Bhattacharyya
Ms. S. Dutta
... for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
... for HMC.

Mr. N. Bhattacharyya
... for the private respondent.

The petitioner complains that his objection against giving water connection in the premises of the private respondent through his private passage has not been considered by the Howrah Municipal Corporation till date.

It appears that a request was made before the Commissioner, Howrah Municipal Corporation by the petitioner by a letter dated April 12, 2019. The Howrah Municipal Corporation by a communication dated June 26, 2019 directed the petitioner to be present at the scheduled date and time of the joint inspection which

will be done by the officers of the Howrah Municipal Corporation in the subject premises on July 6, 2019.

According to the petitioner since thereafter no steps have been taken by the Howrah Municipal Corporation to dispose of his representation.

The learned advocate representing the private respondent submits that the property in question is the subject matter of a title suit wherein an order of injunction has been passed.

It has further been submitted that the water connection was effected by the Kolkata Metropolitan Development Authority and the Howrah Municipal Corporation did not give any water connection in the land of the private respondent.

The learned advocate representing the Howrah Municipal Corporation submits that the Howrah Municipal Corporation does not have any role to play in the matter as the water connection in the subject premises has been given by the Kolkata Metropolitan Development Authority.

Upon hearing the submissions made on behalf of the parties it appears that a notice was issued by the Howrah Municipal Corporation on June 26, 2019 for conducting a joint inspection. The Howrah Municipal Corporation thereafter did not follow up the matter and simply sat tight over the same. It was obligatory on the

part of the Howrah Municipal Corporation to intimate the fate of the inspection to the petitioner.

In view of the above, the instant writ petition is disposed of by directing the Assistant Engineer, Howrah Municipal Corporation, Borough-VII being the respondent no. 2 herein to take a decision with regard to the request made by the petitioner for disconnecting the water supply line given to the private respondent. The aforesaid respondent shall take a decision in the matter at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. The aforesaid respondent shall pass a reasoned order and communicate the same to all the necessary parties immediately thereafter.

If required, a fresh inspection and hearing may be given to all the necessary parties prior to taking a decision in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)