

Court No. 24  
**23.02.2021**  
(Item No. 123)  
(AB)

**W.P.A 7731 of 2020**

Nilima Maity (Hutait)  
vs  
The State of West Bengal & Ors.

Ms. Pramita Banerjee  
...for the Petitioner

Mr. Ranjit Rajak  
.... For the State

None appears on behalf of the private respondent and the Dibakarpur Gram Panchayet despite service.

The petitioner is a tenant in respect of a premises where there is a water line connection under the Sajal Dhara Project. The petitioner alleges that the landlord has disconnected the water supply. The petitioner made representation before the Pradhan of the Dibakarpur Gram Panchayet. She alleges that the representation made before the Pradhan on 17.06.2020 has not been considered till date.

The learned advocate appearing for the State does not have any instructions in the matter.

Prima facie, from the submissions made on behalf of the petitioner, it appears that there is a dispute between the landlord and the tenant. The landlord appears to have disconnected the water supply of the tenant. The writ Court is not the proper forum to adjudicate the private dispute that has cropped up between the parties.

Nevertheless, as the issue relates to non-supply of water which was supplied under the Sajal Dhara Project and the petitioner has made representation to the Pradhan which is pending consideration, the Court thinks it fit to dispose of the writ petition by directing the Pradhan to take steps for consideration of the representation made by the petitioner, strictly in accordance with the Project, more so because right to have clean drinking water is essential for leading a healthy life as assured under Article 21 of the Constitution.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 7, the Pradhan, Dibakarpur Gram Panchayat to take steps for consideration of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of four weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

If it reveals that the petitioner received water in the said premises under the Sajal Dhara Project then

steps shall be taken by the Prodhan to restore the water connection to the premises of the petitioner.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 17.06.2020 to the aforesaid respondent at the time of communicating the order of the Court.

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

**(Amrita Sinha, J.)**