

09.02.2022
Item No.5
srm

W.P.A. No. 2920 of 2021

Smt. Malati Paul

Vs.

The State of West Bengal & Ors.

Mr. Debarshi Chattopadhyay,
Mr. Loknath Paul,
Mr. Tirthankar Basu

...for the Petitioner.

Mr. Tulshi Das Ray,

...for the State-Respondents.

Despite service, none appears on behalf of the respondents apart from the State-respondents. Affidavit of service is taken on record.

The petitioner is aggrieved by the inaction of the authorities of the North Dum Dum Municipality in granting water connection to the premises of the petitioner situated at 27, Ramprasad Nagar, Post Office-Nimta, Police Station-Nimta, Ward No.8 under the North Dum Dum Municipality. The petitioner submits that the municipality was duty bound under the law to provide permanent water connection. It is submitted that the co-sharers, who are the respondent Nos.4 and 5, have obstructed the municipality from granting such connection.

In the absence of the municipality and the respondent Nos.4 and 5, this Court is not in a position to make any

observation on the allegations made by the petitioner. However, water is an essence of life and no one can be deprived of such water connection, if other compliances under the law are met and the requisite fees and costs are paid.

Under such circumstances, the competent authority of the North Dum Dum Municipality is directed to dispose of the representation of the writ petitioner dated December 26, 2020 in accordance with law upon granting an opportunity of hearing to the petitioner as also the co-sharers/respondents Nos. 4 and 5.

It is made clear that the municipality shall find out a suitable route through which, such connection may be given to the petitioner, without disturbing the respondent Nos.4 and 5. If there is unnecessary objection or obstruction by the respondent Nos.4 and 5, the municipality may seek police protection. However, if there are any orders of injunctions in respect of such connection, granted by a civil court, the municipality shall stay its hands.

A reasoned order shall be passed and communicated to all concerned. In case it is found that the water connection could not be given to the petitioner as per the rules, reasons shall be assigned. If such connection is given, the petitioner will not claim any equity in respect thereof. The water

connection, if given, will be without prejudice to the rights and contentions of the parties in any suit or proceeding.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

This writ petition is, thus, disposed of.

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.)