

02.02.2022
Item No.6
srm

W.P.A. No. 8080 of 2021

Smt. Srabanti Mridha

Vs.

The State of West Bengal & Ors.

Mr. Sourav Sengupta

...for the Petitioners.

Mr. Ranajit Chatterjee,
Ms. Sima Chakraborty

...for the KMC.

Ms. Sima Adhikari,
Ms. Kakali Naskar

...for the State-Respondents.

Despite service, none appears on behalf of the respondent No.8. Affidavit of service is taken on record.

The respondent No.8 has been avoiding the Court in the *prima facie* view of the Court. This matter is being taken up in the absence of the respondent No.8 as the Court is not passing any mandatory directions but relegating the matter to the Executive Engineer (Civil) (Water Supply, Jadavpur Unit), Borough XII, Kolkata Municipal Corporation, the respondent No.5, for disposal of the complaint of the petitioner which shall be done in the presence of all the parties including the respondent No.8.

The petitioner is aggrieved because the Kolkata Municipal Corporation has failed to supply water connection

to the premises of the petitioner which is situated at the first floor of 65, Garfa Sitla Mandir Road, Kolkata-700075.

Mr. Chatterjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits that the corporation has supplied the water up to the common point/ferrule and there has been no dearth of water supply to the premises. Mr. Chatterjee further submits that all the occupiers in the said building, including the petitioner, would be entitled to get the water connection of the corporation from the common point/ferrule and no one can obstruct such supply of water as per the law. He further submits that if anyone obstructs such connection, the person shall be liable to be proceeded with under the penal laws.

It is the specific case of the petitioner that the respondent No.8 has obstructed the water supply from the common point/ferrule for which the water connection could not be installed in the first floor.

It is also on record that the Kolkata Municipal Corporation found upon inspection that the water from the common point/ferrule was being pumped into the overhead reservoir, but there was no independent connection from the reservoir to the first floor. According to Mr. Chatterjee, the said obstruction relates to a civil/private dispute between the

father and the daughter, and the Kolkata Municipal Corporation does not have any role to play in the matter. The remedy of the petitioner would be in another forum.

Be that as it may, as the Kolkata Municipal Corporation submits that the connection has been granted to the common point/ferrule at the premises and all the occupiers were entitled to have their individual connections, this writ petition is disposed of with a direction upon the Executive Engineer (Civil) (Water Supply, Jadavpur Unit), Borough XII, Kolkata Municipal Corporation, the respondent No.5, to dispose of the complaint of the petitioner in accordance with law and pass a reasoned order upon hearing all the parties, including the respondent No.8.

The police authorities, who have been approached by the petitioner, shall also act in accordance with law.

The corporation shall make a serious endeavour to ensure that the water supply to the premises upto the common point is not interfered with by the parties.

If there are any civil disputes, the parties are at liberty to approach the Civil Court. Till the disputes are resolved by appropriate forum, in the view of the Court, the petitioner shall be entitled to water connection. The petitioner is also an assessee under the Corporation. Water is a basic need for

survival. The petitioner shall not claim any equity in respect of the said water supply until all disputes are settled by an appropriate court of law. Accordingly, the respondent No.5 shall issue necessary directions while disposing of the complaint. An inspection of the premises shall be made in the presence of the parties, before any order is passed. The petitioner shall bear all costs for installation of such water connection.

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.)