

Sl. No.23
22.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 8733 of 2022

Nitai Chandra das
Versus
State of West Bengal & Ors.

Mr. Ivan Roy
Mr. Sk. Abdur Rahim
... for the petitioner
Mr. Sujoy Bandyopadhyay
Mr. Jagajyoati Das
... for the Midnapore Municipality

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State

Perused the report of the Municipality.

The report of the Midnapore Municipality clearly mentions that the petitioner has constructed a pucca drain in the Eastern side of his building and connected the same to the municipal land which was meant for constructing underground clear water reservoir under “Water Supply Project”.

The petitioner has not made any soak-pit on his land. By connecting his private drain to the public land of the Municipality, the petitioner is discharging filthy, stinking, polluted, refuse and sewerage water of his toilet and sanitary chamber directly into the land of the underground clear water reservoir under water supply project which is owned by the Municipality.

The said action of the petitioner is very harmful for the people at large in the Midnapore Town specially wherefrom drinking water is being supplied to the inhabitants of the Midnapur Town and the act of the petitioner may affect inhabitants of the area resulting in illness and infectious disease.

The private respondents who are making construction have failed to produce any sanctioned plan for making construction and none of the private respondents have constructed soak-pit and in the like manner of the petitioner have connected their private drain with the municipal land. Stop work notice has been served upon the private respondents.

It has been submitted by the learned advocate representing the petitioner that despite stop work notice the private respondents are continuing with the unauthorised construction.

None appears on behalf of the private respondents.

As it appears from the report of the Municipality that the petitioner is discharging filthy and polluted water of his toilet and sanitary chamber in the public land maintained by the Municipality which is extremely harmful as the drinking water is meant to be supplied through the said land to the inhabitants of the Midnapore town accordingly, the Municipality is directed to take immediate steps to disconnect the private drain of the parties and to ensure that no filthy and polluted

sewerage water is directly passed on to the municipal land.

Necessary steps shall also take by the Municipality to ensure that no unauthorised construction is made by the private respondents.

In the event, it is found that there is any unauthorised construction by either of the parties, the Municipality is directed to take appropriate step to deal with such unauthorised construction in accordance with law.

It has been submitted by the learned advocate for the petitioner that there is a civil suit pending in between the parties. It goes without saying that the order passed by the High Court will always prevail over any order passed by the learned subordinate Court.

The Municipality is directed to take steps in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Municipality is directed to suggest measures to the parties with regard to construction of soak pit in their respective land so that sewerage water of the parties are not allowed to flow directly in the municipal land.

The Officer-in-Charge, of the jurisdictional Police Station is directed to ensure that no unauthorised construction is made in deviation of the stop work notice issued by the Midnapore Municipality.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)