

18
14.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 8802 of 2022

**Sarbani Ghatak & Anr.
-versus
Maheshtala Municipality & Ors.**

**Mr. Dilip Kumar Chatterjee,
Mr. Durga Bhusan Mukherjee.
...For the Petitioners.**

**Mr. Debajyoti Deb,
Mr. Sanjoy Kumar Das.
...For the Respondent No.6.**

**Mr. Jayanta N. Mahanty,
Ms. Sahana Mukherjee.
...For the Municipality.**

Learned advocate for the respondent No. 6 submits that he has filed Vakalatnama in the department vide filing No. A-10130 dated 14th June, 2022. The department is directed to tag the same with the records.

The petitioners seek water connection in the premises being holding No. E-2-57/50/1-3, Ward No. 35, P.S.-Maheshtala, Kolkata-700137 under the jurisdiction of the Maheshtala Municipality.

In response to the application made by the petitioners for grant of water connection in the year 2017, the Chairman of the Maheshtala Municipality directed the petitioners as well as the private respondent to appear for hearing on 8th June, 2017.

Learned advocate appearing for the petitioners submits that since 2017 repeated representations were made before the Municipality for granting water connection but the same has not been done till date.

Learned advocate appearing for the Maheshtala Municipality submits, upon instructions, that water connection has not been effected in the said premises in view of the pendency of the partition suit in respect of the said holding.

Learned advocate appearing for the private respondent submits, upon instructions, that the private respondent does not have any objection, if water connection is effected in the premises of the petitioners from the main water connection line at Chanditala Road.

It appears that the Municipality under a mistaken notion failed to effect water supply connection in the premises of the petitioners allegedly on account of pendency of the partition suit between the co-owner.

The Municipality failed to appreciate that the partition suit does not have any relation with regard to effecting the water supply connection in the premises in question.

The partition suit is still pending. The Municipality is not a party in the said partition suit and there is no order restraining the Municipality to effect water supply connection in the said premises.

Water being an essential commodity the Municipality is bound to give the water supply

connection in respect of the premises of the petitioner upon payment of the necessary charges.

The instant writ petition is accordingly disposed of by directing the Chairman, Maheshtala Municipality to take immediate steps for effecting water connection in the portion of the petitioners in the aforesaid premises from the main water connection line on the Chanditala Road.

The petitioners shall be intimated the charges which they are supposed to pay on account of getting the water connection.

The Bill for effecting the said water connection shall be raised and intimated to the petitioners within a fortnight from date.

Water connection shall be effected in the portion of the petitioners' premises within seven days from the date of payment of the necessary charges.

The private respondent is restrained from causing any obstruction or any interference at the time of effecting water supply connection in the portion of the petitioners' premises.

The said water connection will not create any right and/ or equity in favour of the petitioners.

The instruction given by the Maheshtala Municipality dated 20th May, 2022 filed in Court today be kept with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)