

14.03.2022
Court No. 19
Item no.16
CP

WPA 13666 of 2021

Sri Pradip Kumar Ray
Vs.
The State of West Bengal & ors.

Mr. P. K. Pakrashi
Mr. P. Das
Mr. G. Das

....for the petitioner.

Mr. Somnath Roy

....for the municipality.

Mr. Pantu Dey Roy
Mr. Anand Farmania

....for the State.

The petitioner submits that the Bhadreswar Municipality (hereinafter referred to as 'the municipality'), has failed and neglected to clean up and repair/replace the 'ferule' installed for supply of drinking water by the municipality at the premises in question despite several requests having been made.

The dispute is with regard to the water connection which had been supplied to Holding No. 258 of J.C. Khan Road, Post Office – Mankundu, subsequently renumbered as Holding No. 46 of J.C. Khan Road, Mankundu and thereafter as Holding No. 56 of J.C. Khand Road. The tax receipts filed by the

petitioner, namely, Pradip Kumar Ray, has also been annexed to the writ petition.

It has been submitted that the 'ferule' which was installed long time ago, has become non-functional and requires immediate cleaning and/or replacement. It is submitted that the petitioner is agreeable to bear the entire cost for such cleaning and/or replacement.

Mr. Roy, learned advocate appearing on behalf of the municipality, submits that the municipality could not identify the premises. If the petitioner identifies the premises, produces documents of possession and use of the same and also pays the fees that will be charged by the municipality, the municipality shall take steps to ensure that the 'ferule' is either replaced or cleaned up.

In view of the fair submission by the learned advocate for the municipality, the writ petition is disposed of with a direction upon the petitioner to approach the municipality for an inspection and necessary action. The petitioner will approach the competent authority under the Water Works Department of the municipality on March 24, 2022. The authority shall fix the date of joint inspection of the premises. The petitioner will identify the 'ferule' and the plot.

The municipal authorities shall act and proceed in accordance with law and take all steps to alleviate the suffering caused due to non-availability of drinking water.

The entire exercise shall be completed within a period of two months from the date of receipt of the fees, payable by the petitioner.

It is expected that as the matter relates to non-supply of drinking water, the municipal authority must act and proceed in accordance with law and treat the matter with the seriousness that it deserves.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)