

Sl. No.78
06.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17030 of 2021

Sounak Sen

v.

Kolkata Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Emon Bhattacharya
Ms. Pooja Sah
Mr. Sourish Ray

... for the petitioner

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
... for the Kolkata Municipal Corporation

The petitioner claims to be a tenant in a portion the ground floor Eastern side and a portion of the first floor of the premises No.10/7B, Charu Avenue, Tollygunge, Kolkata-700 033.

According to the petitioner the property in question is a Debuttar property and the Manager who was looking after the said property has expired in September, 2021. After his expiry there is none in the said premises to take care of the same or to accept rent from the petitioner. The petitioner is depositing the rent before the Rent Controller.

The petitioner submits that the water connection which is there in the said premises has worn out and the supply of water is not very regular for which the portion

in which the petitioner resides is left without any water. The petitioner approached the Executive Engineer, Water Supply (South), Borough-X, Kolkata Municipal Corporation, praying for supplying water at the portion of the premises where the petitioner resides. There is no response from the end of the Corporation.

The petitioner submits that he is agreeable to comply with all the necessary formalities for obtaining the water connection in the portion of the premises where he resides from the existing ferrule of the said premises.

Learned advocate representing the Kolkata Municipal Corporation submits that the owner of the property has not been impleaded as party respondent in the present writ application. In the absence of no objection from the owner, the Corporation will not be in a position to provide separate water connection from the existing ferrule of the owner.

The petitioner has tried to impress upon this Court that the whereabouts of the owner is not known to him and as such the owner could not be impleaded as party in the present writ application.

Accordingly, the instant writ petition is disposed of by directing the respondent no.3 to take into consideration the prayer of the petitioner for a separate water line connection from the existing ferrule of the premises. A decision shall be taken by the respondent

no.3 after giving reasonable opportunity of hearing to all the necessary parties.

If none appears on behalf of the owner or if the owner is not readily available, then the Executive Engineer shall cause a site inspection to ascertain as to the manner in which way water may be provided to the petitioner.

The entire exercise shall be concluded positively within a period of twelve weeks from the date of communication of this order.

The Executive Engineer shall pass a reasoned order in accordance with law and communicate the same to all parties immediately thereafter.

The aforesaid respondent shall kept in mind that there is no legal requirement of obtaining no objection from the landlord or owner of the premises at the time of obtaining water connection by an occupier of a premises from the existing ferrule.

The petitioner is directed to forward a copy of the representation dated 22nd September, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

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.)

