

10.05.2022
Sl. No.3
srm

W.P.A. No. 18018 of 2021

Sabu @ Tablu Ash & Ors.

Versus

The Kolkata Municipal Corporation & Ors.

Ms. Somoshree Saha

...for the Petitioners.

Mr. Dwijadas Chakraborty

...for the Kolkata Municipal Corporation.

Affidavit of service is taken on record. Service upon the respondent No.4 is not complete.

The allegation is that the respondent No.4 has disconnected the water supply to the premises of the petitioners. The petitioners claim to be the tenants in respect of the premises situated in 3rd floor at Premises No.134/A, Sarat Bose Road, Kolkata-700029.

It appears that there is a dispute between the petitioners and the respondent No.4, (landlord) as a result of which the rent is being deposited before the rent controller. The specific allegation of the petitioners is that the respondent No.4 has disconnected the water supply of the petitioners as also the other tenants, without any reason. Aggrieved, by such action of the landlord, the petitioners

have filed a representation before the respondent-Kolkata Municipal Corporation.

Mr. Chakraborty, learned Advocate for the Corporation, submits that the Corporation has not disconnected the water supply. He submits that the supply of the Corporation's water is upto the main point of the premises in question. The Corporation would not be in a position to ensure the internal water supply inside the premises by the landlord to the tenanted portions, in view of the dispute.

It is true, that nobody can live without water and water is *sine qua non* to right to life. This is an issue with regard to the allegation of wrongful disconnection of the water supply by the landlord, to the tenanted premises. The petitioners will be at liberty to approach the rent controller in accordance with law, under Sections 27 and 35 of the West Bengal Premises Tenancy Act, 1997.

Apart from the above direction, the Executive Engineer, Water Department, Kolkata Municipal Corporation shall ensure that the supply to the main line and up to the ferrule of the premises in question is not disrupted and disturbed in anyway. The Executive Engineer Water Department of the Corporation shall make an inspection in order to ascertain exactly from which point such water

supply has been disrupted and disconnected. The inspection shall be made in the presence of the parties upon advance notice to all the parties and the copy of the report, so prepared, shall be supplied to the parties.

The petitioners are directed to serve a copy of the writ petition along with a server copy of this order upon the Executive Engineer, Water Department, Kolkata Municipal Corporation for necessary action.

The 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.)