

19.09.2022
Sl. No.29(DL)
srm

W.P.A. No. 18972 of 2021

Sri Sankar Kumar Paul

Vs.

The State of West Bengal & Ors.

Mr. Arijit Sarkar,
Mr. Sagnik Chatterjee

....for the Petitioner.

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishna Mondal

...for the Respondent No.4.

None appears either on behalf of the State-respondents or on behalf of the panchayat authorities.

It appears that a civil suit is pending being Title Suit No.226 of 2008 between the petitioner and the respondent No.4. The respondent No.4 allegedly is the landlord. The petitioner claims tenancy. It also appears that an ad interim order of injunction has been passed in the said title suit, in favour of the petitioner. Although, water is the essence of life, the dispute between the landlord and the tenant cannot be decided by the writ court.

Under such circumstances, this Court is of the view that the prayer for restoration of water connection should be made before the learned civil court where the dispute between the landlord and tenant, is already pending. It is

not the petitioner's case that the panchayat authorities had refused to grant water connection to the petitioner or had disconnected such supply. The dispute is between the landlord and the tenant and it is alleged that the landlord had disconnected the water supply.

Thus, the proper course of action for the petitioner would be to pray for immediate orders from the learned civil court. The prayer shall be decided by the learned civil court, upon hearing the parties. The allegations of the petitioner, are not gone into on merits and the learned civil court will decide the entire issue, independently. The prayer of the writ petition cannot be granted at this stage.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)