

List dt.6.6.22  
Item No. 137  
**13.06.2022**  
d.p.

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

**W.P.A. 18428 of 2019**

**Kanak Kumar Maity  
-versus  
The State of West Bengal & Ors.**

**Mr. Kajal Mukherjee,  
Mr. Bikash Chakraborty.  
...For the Petitioner.**

**Mr. Biswabrata Basu Mallick.  
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

None appears either on behalf of the private respondents or the Tamralipta Municipality in spite of service.

The grievance of the petitioner is that he is not being provided the domestic water connection by the Municipality in view of the objection raised by the private respondents.

The petitioner has already deposited the amount for obtaining the domestic water connection.

It has been submitted that a civil suit is pending between the parties before the Learned Civil Judge, Senior Division being Title Suit No. 271 of 2012.

It has been submitted that an ad interim order of injunction in respect of the suit property. The parties have been directed to maintain status quo as regards nature and character of the 'Kha' schedule property of the plaintiff.

It has been submitted that water pipe lines are required to be laid underneath the common passage from where the water connection has been given to the private respondents.

It has further been submitted that the petitioner will pay the entire charges for repairing the common passage after the lines are laid by the Municipality.

It appears that the private respondents have taken water connection through the underground common passage, accordingly, they ought not to object to the grant of domestic water connection in the portion of the petitioner's premises through the same underground common passage.

The Chairman of Tamralipta Municipality is accordingly directed to take steps for effecting water connection in the portion of the premises of the petitioner at the earliest, but positively within a period of three weeks from the date of communication of a copy of this order.

The Officer-in-Charge of the Tamralipta Police Station is directed to depute a competent officer at the site on the date and time of effecting water connection so that no untoward incident takes place at the time of giving water connection.

The respondent Nos. 7, 8 and 9 are restrained from raising any objection at the time of effecting water connection in the portion of the premises of the petitioner.

It is made clear that laying of the water pipe lines will not create any right and/or equity in favour of the petitioner in the suit that is pending between the parties.

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.)**