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2022
Ct. No.24

WPA 18760 of 2019

Sri Sujoy Kumar De
Vs.
Uluberia Municipality & Ors.

Mr. Buddhadeb Ghosal
Mr. Prabhat Kumar Singh
.....For the Petitioner
Mr. Shounak Bhattacharyya
Mr. H. Gangopadhyay
.....For the Respondent Nos. 3 to 6
Mr. Gobinda Ch. Bandyopadhyay
....For the Uluberia Municipality

The matter relates to the holding no. 1584A/1030C/137C, Hat Khaligunge, Ward No. 22(5) under the jurisdiction of the Uluberia Municipality.

The aforesaid is a joint undivided property. The petitioner is a co-owner of the property in question. There is a water connection in the said premises. The petitioner seeks for a separate water connection in the portion which he is occupying. The same is objected to by the Municipality.

The petitioner has been intimated by the Chairman of the Uluberia Municipality that question of separate water supply does not arise so long as a decision is taken on the basis of the comprehensive representation for apportionment of tax liability.

The petitioner has annexed the tax receipt issued by the Uluberia Municipality in respect of the first quarter of the year 2015-2016. The same is

Rs.30/- only.

The petitioner relies upon the decision delivered by this Court in the matter of ***Kamal Adhikary Vs. State of West Bengal & Ors. reported in 2006 (1) CHN 698*** wherein the Court clearly laid down that the co-owner of a property is no doubt a owner of the property who can exercise all his rights in respect of a joint property. The Court directed the municipal authority to give water connection upon compliance of the requisite formalities.

The petitioner also relies upon the decision delivered by this Court in the matter of ***Sumit Baran Ghosh Vs. State of West Bengal reported in 2014 (2) CHN (CAL) 69***. The Court took into consideration the provision of Section 231 of the West Bengal Municipal Act, 1993 and permitted the occupier of the property to obtain water connection in the premises.

Learned advocate representing the Municipality submits that till there is apportionment of taxes separate water connection cannot be given. It has been submitted that there is existing water connection in the said premises.

Learned advocate representing the private respondents submit that the petitioner is already enjoying water from the existing water connection. It has been submitted that there are other co-owners in the said property and if permission is given to the

petitioner to obtain separate water connection, then request will be made by the other co-owners for obtaining separate water connections.

After hearing the submissions made on behalf of all the parties, it appears that though the property in question is a joint property and the shares are yet to be partitioned in between the co-sharers but according to the provision of Section 231 of the West Bengal Municipal Act, 1993, an occupier of the premises is entitled to water connection.

There is already a water connection in the said premises. The municipal authority is accordingly directed to arrange for a separate water line from the existing water connection at the portion of the premises which the petitioner is occupying.

The aforesaid arrangement shall be made subject to compliance of necessary formalities by the petitioner and upon payment of such fees as may be directed to be paid by the Municipality.

The Municipality shall intimate the petitioner the requisite formalities that are to be complied with by him and the fees that is to be paid by him within a period of seven days from date.

Upon compliance of all necessary formalities and upon payment of the requisite fees, the Municipality shall make arrangement for providing the water connection as indicated hereinabove

positively within a period of two weeks thereafter.

The private respondents are restrained from obstructing the men and agents of the Municipality at the time of giving the water connection in favour of the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)