

8.2.2022
Court No. 19
Item no.19
sn

WPA 24115 of 2018

Ranajit Ganguly
Vs.
The State of West Bengal & ors.

Mr. Biswarup Biswas
Mr. Majnu Sk.
Mr. Humayan Reza
.....for the petitioner

Mr. Ovik Sengupta
Mr. Biplab Das
..for the respondent nos.7&8

Mr. Gobinda Chandra Bandopadhyay
Ms. Jayanti Ghoshal
..for the municipality

Mr. Bipin Ghosh
..for the State

The petitioner is aggrieved by the inaction on the part of the Uluberia municipality in granting water connection to the petitioner at his premises, situated at L.R. Dag No.222 measuring 63 decimals in mouza Burikhali, District Howrah.

It is submitted by the learned advocate for the petitioner that the respondent nos.7&8, who are joint owners of the said property in question, have been obstructing the municipality whenever the municipality has tried to install the pipelines.

Mr. Sengupta, learned advocate appearing on behalf of the respondent nos.7&8, submits that the dispute is civil in nature and between two co-sharers.

Hence, the writ petition is not maintainable. He further submits that a partition suit is pending between the parties. It is, however, submitted that there are no orders of injunction in the suit, restraining supply of water to the petitioner.

The municipality does not oppose the prayer of the petitioner for grant of water connection, but submits that due to the dispute pending between the parties, such water lines could not be drawn.

Mr. Biswas, learned advocate for the petitioner submits a sketch map to show that the proposed water lines would not pass through the portion enjoyed by the respondent nos.7&8, but the same water connection lines which had been laid for grant of water supply to the respondent nos.7&8, could be extended to the area enjoyed by the petitioner.

This Court is not required to pass any observation on the route to be followed by the municipality, while granting water connection to the petitioner.

This Court is of the opinion that the petitioner, who is admittedly the co-sharer of the property, is entitled to water supply. The appropriate authority must grant the water connection from the common point. The respondent nos. 7&8 shall not obstruct the municipality. Water is the essence of life and no person can be deprived of the same, in the manner

as is apparent from the pleadings in the writ petition. The municipality is bound to supply water to the petitioner. Such connection shall be subject to the result of the suit. The parties shall not claim any equity in respect of the water connection. The petitioner shall be entitled to separate water connection up to his dwelling house at his own cost. It appears that the petitioner had already paid the amount to the municipality, but difference, if any, in the cost shall be borne by the petitioner.

This order is without prejudice to the rights and contentions of the parties in the civil suit.

It is expected that the parties will co-operate and the situation shall not come to such a stage, that the Court and the police authorities would have to intervene once again.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)