

S/L 12
30.03.2022
Court. No. 19
GB

WPA 23627 of 2019

Tarak Pal
VS
The State of West Bengal & Ors.

*Mr. Kalyan Kr. Chakraborty,
Mr. Kasinath Bhattacharya,
Mr. Somnath Bhattacharya,
Ms. Anjana Meheboob,
Mr. Ashok Halder.*

...for the Petitioner.

*Mr. N.C. Bihani,
Mr. Soumyajit Ghosh.*

...for the Municipality.

*Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.*

...for the Respondent No.7.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner alleges that the water supply from the South Dum Dum Municipality to Premises No.544, Sahid Khudiram Bose Sarani, Police Station – Dum Dum, Kolkata – 700030, District – 24 parganas (North), has been interrupted due to lack of maintenance of the supply line, which have been drawn by the municipality up to the premises in question. Hence, the petitioner prays that the South Dum Dum Municipality must be directed to ensure that the water supply line is repaired so that uninterrupted water supply can be enjoyed by the petitioner up to the common point.

Mr. Behani, learned advocate appearing on behalf of the South Dum Dum Municipality submits that a civil suit is

pending between the petitioner and some of his relatives, who have caused the interruption. An inspection report has also been filed. Mr. Behani refers to the complaint filed by the petitioner before the municipality, from which it appears that the relatives of the petitioner, who have a rival claim in respect of the property in question, had stopped such water supply.

The dispute between the petitioner and the other relatives with regard to the premises in question is the subject matter of a civil suit. This court cannot pass an order either injuncting the relatives from creating any disturbance or pass a mandatory order upon the municipality, to settle such dispute. Such issue, shall be decided by the civil court and the petitioner shall be at liberty to approach the civil court for appropriate relief.

However, as the allegation is that, the supply line installed by the municipality up to the common point to the premises of the petitioner needs and requires urgent cleaning and repair, the municipal authorities shall look into the matter and take appropriate steps in accordance with law upon causing an inspection of the premises in presence of the petitioner as also the other rival claimants. A reasoned order shall be passed and communicated to all, upon hearing all the parties. However, this order shall not be construed as an opinion of the Court with regard to the right of the petitioner in respect of the property in question, in respect of which, the civil suit is pending.

Uninterrupted supply of water from the municipality to the premises in question is a right of every citizen and

such connection shall be maintained by the municipality to ensure that residents of a particular locality do not suffer due to scarcity of water supply. The Court is of the opinion that no person shall be deprived of water supply, especially when the petitioner is an assessor in the records of the municipality and pays tax. Third party interference with the supply shall also not be permitted by the municipality.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)