

Item No. 13

25.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11825 of 2020
Md. Rafique Molla @ Md. Rofick Molla
v.
The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Maidul Islam Kayal
... for the petitioner.

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
... for the State.

Mr. Satyajit Talukdar
Mr. Abhishek Sarkar
... for KMDA.

Mr. R.N. Chakraborty
Mr. M. Ahmed
... for the Municipality.

From the communication dated May 28, 2019 made by the licensed contractor to whom the Kolkata Metropolitan Development Authority (KMDA) authorized for executing the house water connection of the petitioner addressed to the Executive Engineer, Division-O & M-IIA, KMDA, W & 5 Sector, it appears that the licensed contractor was unable to execute the house water connection to the petitioner's premises due to the aggressive attitude of his relatives and the local community. The members of the locality did not allow

the labourers of the licensed contractor to execute the work.

It appears from the documents produced before this Court that the petitioner has already deposited the charges for obtaining the water connection and neither of the respondents i.e. the Maheshtala Municipality nor the KMDA have any objection in granting the water connection at the petitioner's premises.

It appears that the respondent nos. 7 & 8 along with their men and agents are standing in the way of effecting the water connection. The private respondents are enjoying water connection and electricity connection through the underground pipelines of the common passage. There is no impediment if water connection is given to the petitioner in the same manner as has been given to the private respondents.

As it appears that there is no legal bar in granting the water connection in the premises of the petitioner, accordingly, the petitioner is entitled to get the water connection in accordance with the provisions of law.

KMDA is directed to take steps for effecting the water connection at the premises of the petitioner. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The Officer-in-Charge, Rabindranagar Police Station is directed to assist the men and agents of the licensed contractor appointed by the KMDA at the time of giving the water connection at the premises of the petitioner.

The private respondent nos. 7 & 8 along with their men and agents are restrained from interfering in any manner with the men and agents of the licensed contractor engaged for the purpose of giving water connection in the petitioner's premises.

The writ petition stands disposed of.

The instruction given by the licensed contractor dated May 28, 2019 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)