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ORDER SHEET

WPO No.2391 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMITAVA DE BHOWMICK & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 24th August, 2022.

Mr. Kushal Chatterjee, Mr. Debrup Choudhury, Advocates for the Petitioners.

Mr. Mihir Kundu, Mr. Dwijadas Chakraborty, Advocates for K.M.C.

Mr. Indradip Das, Advocate for Respondent no.11.

Mr. Rohit Das, Mr. Kishwar Rahman,
Ms. Subhasri Chatterjee, Advocates for Respondent nos.14 & 15.

The Court:- The allegation of the petitioners is that the private respondents who are the co-owners of the adjacent plot of land are making construction of their sewerage line by connecting the same to the private pit of the petitioners.

Learned advocate appearing on behalf of the petitioners has relied upon a photograph at page no. 39 of the Supplementary Affidavit showing that there is sewerage pit within the premises of the petitioners. The petitioners allege that the adjacent building, which is still under construction, connected the sewerage line of the newly constructed building with the private pit of the petitioners.

The contention of the petitioners has been opposed by the learned advocate representing the respondents.

Learned advocate representing the private respondents submits, upon instruction that, application has been made before the Kolkata Municipal Corporation for separate sewerage connection and no sewerage connection has been made with the private sewerage line of the petitioners.

Learned advocate representing the Kolkata Municipal Corporation has submitted a report signed by the Assistant Engineer (Civil) and the Executive Engineer (Civil), Building Department, Borough-VI, Kolkata Municipal Corporation dated 10th August, 2022. It mentions that the premises in question being 54, S. N. Banerjee Road, Ward-53, Borough-VI was inspected several times by the Department. As per inspection, no unauthorized works were found and the works done so far more or less tallies with the sanctioned plan.

The Kolkata Municipal Corporation shall ensure that the private respondents do not connect the sewerage line of the newly constructed building with the sewerage line of the petitioners and the sewerage line of the newly constructed building shall always remain separate and independent from that of the petitioners.

The writ petition stands disposed of.

Report dated 10th August, 2022 filed by the Kolkata Municipal Corporation in Court today is taken on record.

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

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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