

OD – 5

ORDER SHEET
WPO/2525/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GAUTAM KUMAR BISWAS
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 15TH SEPTEMBER, 2022

Appearance:
Mr. Jayanta Narayan Chatterjee, Adv.
Mr. Debashis Banerjee, Adv.
Mr. Supreem Naskar, Adv.
..for the petitioner

Mr. Nilofer Suddeque Alam, Adv.
...for the state respondent No. 1 and 8

Mrs. S. Chakraborty, Adv.
Ms. Sabnam De, Adv.
..for the KMC

Mr. Sumit Ray, Adv.
..for the respondent No. 9 and 10

The Court : Affidavit of service filed in Court today be taken on record.

The petitioner intends to obtain new water connection in the premises No. 3, Swami Vivekananda Road Extension, Kolkata-700032. The land in question is mutated in favour of the petitioner. The petitioner paid the requisite charges for obtaining the water connection. The Kolkata Municipal Corporation, Water Supply Department issued a receipt after acceptance of the charges for supplying domestic water connection to the petitioner on 1st June, 2022. The date of opening the

road for the purpose of effecting domestic water connection was from 6th June, 2022 to 7th June, 2022.

On 6th June, 2022 when the men and agents of the Kolkata Municipal Corporation visited the area for opening the road, the respondent Nos. 9 and 10 objected the same. In view of such objection raised by the aforesaid respondents, the Kolkata Municipal Corporation was unable to provide the water connection.

Learned Counsel for the respondent nos. 9 and 10 submits that the connection was sought to be effected by the Corporation through their private passage.

It has been submitted that the petitioner is trying to encroach upon the private land of the respondent nos. 9 and 10 by drawing the water connection under the said land.

The petitioner has filed a representation before the Kolkata Municipal Corporation highlighting the issue by letter dated 28th June, 2022, which was received by the respondent authority on 16th July, 2022. The said representation is yet to be disposed of.

As it appears that the private respondents have raised objection to the grant of water supply connection through the land which has been claimed to be their private property, the Executive Engineer (Water Supply), being the respondent no. 6 herein, is directed to afford an opportunity of hearing to the petitioner as well as the respondent nos. 9 and 10 and to find out the mode and manner as to how the water connection is to be provided to the premises of the petitioner.

A hearing shall be conducted by the aforesaid respondent at the earliest, but positively within a period of three weeks from the date of communication of this order.

The Executive Engineer shall ensure that water supply connection is executed in favour of the petitioner positively within a period of eight weeks from the date of the communication of this order.

The petitioner is directed to forward a copy of the representation dated 28th June, 2022 along with the copy of the receipt showing payment of charges dated 6th June, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

WPO No. 2525 of 2022 stands disposed of.

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

(AMRITA SINHA, J.)