

OD-3

ORDER SHEET

WPO No.2599 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ATIJIT MUKHERJEE
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 22nd September, 2022.

Appearance:
Mr. P. S. Dev Barman, Adv.
Mr. Amit Gupta, Adv.
Ms. Debangana Dey Nayak, Adv.
..for Petitioner.

Mr. Swapan Kumar Debnath, Adv.
Mrs. Suranjana De Sarkar, Adv.
..for KMC.

The Court:-None appears on behalf of the respondent No.5.

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

The petitioner claims to be a tenant in the premises No.P-287, C.I.T. Road Scheme-4M, Borough-3, Ward No.35, Kolkata-700054 under the jurisdiction of the Kolkata Municipal Corporation.

His grievance is that the respondent no.5 has disconnected the water supply to the petitioner's premises. The respondent no.5 is getting water from the main ferrule of the premises and the petitioner is left with no water at all. The petitioner has to purchase water for daily use.

The petitioner made a representation dated 9th November, 2021 before the Executive Engineer, Water Supply Department (Central) of the Kolkata Municipal Corporation praying for restoration of the water supply. The petitioner alleges that the same has not been taken up for consideration till date.

The petitioner relies upon an unreported order passed by this Court on 6th July, 2022 in WPA No.17030 of 2021 (Sounak Sen Vs. Kolkata Municipal Corporation & Ors.) in support of his prayer.

Learned advocate representing the Kolkata Municipal Corporation received instruction from the Assistant Engineer (Water Supply) on 21st September, 2022 mentioning that the premises in question was inspected by the Assistant Engineer and the Sub-Assistant Engineer of the Water Supply Department where it was found that the premises is a three storied building having one domestic water supply connection. A portion of the ground floor of the building is occupied by the petitioner. It was found that there is no water connection line from the overhead reservoir to the petitioner's occupied portion and there is the semi underground water reservoir under lock and key in the said premises.

It appears from the submissions of the parties that there is an already existing domestic water supply connection in the said premises but the petitioner is not being permitted to collect water from the said connection. Water being an essential commodity ought to be supplied to the petitioner from the existing ferrule.

In view of the above, the instant writ petition is disposed of by directing the respondent no.4 to take a decision with regard to the prayer of the petitioner for grant of a separate water connection to the petitioner's portion in the said premises from the existing ferrule. The said respondent may afford an opportunity of hearing to the petitioner and the respondent no.5 prior to taking a decision in the matter.

The respondent no.4 shall pass a reasoned order and communicate the same to the parties. A decision shall be taken in the matter at the earliest, but positively within a period of six weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 9th November, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

Instruction given by the Assistant Engineer (Water Supply), Kolkata Municipal Corporation be retained with the records.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)