

OD-2

ORDER SHEET

WPO No. 3031 of 2022  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

ASHOK R. MANSATA  
-VS-  
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date: 28<sup>th</sup> November, 2022.

Appearance:  
Mr. Aniruddha Mitra, Adv.  
... for the petitioner.

Mr. Avirup Chatterjee, Adv.  
Mr. Soumo Roy, Adv.  
..for Private Respondent.

Mr. Gopal Chandra Das, Adv.  
Ms. Manisha Nath, Adv.  
... for KMC.

The Court:- The petitioner alleges that his next door neighbour is illegally drawing water from his overhead tank and using the same for commercial use. The petitioner alleges that the complaint filed before the Kolkata Municipal Corporation objecting to the above has not been taken into consideration till date.

Learned advocate representing the private respondent submits that initially the petitioner permitted the private respondent to draw water but presently is standing in the way.

Learned advocate representing the Kolkata Municipal Corporation submits that the Corporation is entitled to commercial charges, if water is used for commercial use.

Having heard the submissions made on behalf of the parties, it appears that water meant for domestic use is being used for commercial purpose. The same is impermissible. Representation filed by the petitioner is pending consideration.

In view of the above, the instant writ petition is disposed by directing the Executive Engineer (Water Supply) (West), Kolkata Municipal Corporation to consider the representation filed on behalf of the petitioner on 1<sup>st</sup> November, 2022 strictly in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties. Consideration shall be made at the earliest, but positively within a period of ten weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation received by the respondent authorities on 1<sup>st</sup> November, 2022 at the time of communicating the order of the Court.

The writ petition stands disposed of.

Leave to file affidavit of service in course of the day.

Leave granted to the learned Advocate-on-record of the petitioner to correct the designation of the respondent no.2 in the cause title of the writ petition.

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

(AMRITA SINHA, J.)