

Item No.301

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.09.2023
Ct-24

WPA 1236 of 2023
Sri Bhola Nath Dhar & Anr.

v.

Kolkata Municipal Corporation & Ors.

Mr. Kaustav Chandra Das

Ms. Aditi Dutta

... for the petitioners.

Mr. Gopal Chandra Das

Mr. Rudranil De

... for KMC.

Mr. Barin Banerjee

Ms. Manisha Nath

Ms. Soma Chakraborty

... for the added private respondent.

The petitioners seek water connection in a demarcated portion being premises no. 23/1G, Kali Prasanna Roy Lane, Post Office-Tollygunge, P.S.-Charu Market, Kolkata-700033 being a portion of the mother premises no. 23/1, Kali Prasanna Roy Lane, Post Office-Tollygunge, P.S.-Charu Market, Kolkata-700033.

The petitioners claim to be the purchasers of the said portion of the said premises by virtue of a registered Deed of Sale. The names of the petitioners are mutated in the records of the Kolkata Municipal Corporation. Tax

receipts are issued in the name of the petitioners with the mailing address 23/1G, Kali Prasanna Roy Lane but the mother premises is shown as 23/1, Kali Prasanna Roy Lane.

The petitioners submit that the premises was separated by way of a family settlement entered in between the co-owners of the subject property. The petitioners purchased an independent separate portion of the mother premises and the petitioners pay tax in respect of their own portion.

The petitioners contend that the Corporation ought to grant separate water connection in respect of the premises no. 23/1G, Kali Prasanna Roy Lane.

Learned advocate representing the Kolkata Municipal Corporation submits that as the mother premises is yet to be formally separated and as there exists a separate water connection in the mother premises, accordingly, new water connection cannot be given to the premises of the petitioners till the premises of the petitioners is separated from the mother premises.

Learned advocate representing the private respondent does not have any objection to the premises being separated.

A sketch plan has been annexed with the instruction forwarded by the Executive Engineer, Water Supply (South) signed on July 12, 2023. From the said sketch it appears that the co-sharers of the subject property are enjoying their portions independently and separately.

The manner in which the petitioners may obtain the water connection is reflected in the instruction forwarded by the Executive Engineer and the same has been supplied to the learned advocate representing both the parties.

It will be open for the petitioners to avail any of the options that have been mentioned in the said instruction.

The Executive Engineer, Water Supply (S) is directed to consider the prayer of the petitioners for obtaining separate individual water connection at their designated place. An opportunity of hearing shall be given to all the necessary parties for taking a decision in the matter.

Decision shall be taken at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)