

ML 30
16.03.2023
Court. No. 19
GB

WPA 3482 of 2023

Sri Ramchandra Nath Bhowmick
Vs
The State of West Bengal & Ors.

Mr. Gopal Mondal

...for the Petitioner.

*Mr. Jahar Lal De,
Mr. Rudranil De*

...for the State.

The petitioner submits that the Tatla-II Gram Panchayat must be directed to supply drinking water to the dwelling house of the petitioner, which has been allegedly constructed on Plot No.192, Khatian No.1840 of Mouza-Pumlia.

It appears that the Pradhan of Tatla-II Gram Panchayat by a letter dated February 15, 2023 intimated the learned advocate of the petitioner that in view of certain litigations pending before the High Court, supply of drinking water to Plot No.193 would not be possible. From the tenor of the letter it appears to the Court that there is a confusion with regard to the plot on which the petitioner is seeking water connection. The petitioner prays for water connection to the premises in Dag No.192. The Pradhan had intimated the petitioner that with regard to water connection to the said Dag, the authority would not have any objection.

The disputed questions of fact with regard to the plot on which the petitioner seeks water supply and the plot with

regard to which there are litigation pending, no mandatory directions can be passed.

The police authorities pursuant to the receipt of a complaint from the petitioner had made an enquiry. It appears that the petitioner has been occupying government land, namely, Plot No.193 which the panchayat authorities have been trying to recover since long and a prayer to that effect had also been made to the Sub-Divisional Officer, Kalyani, Nadia. It also appears that there are disputes between the petitioner and the respondent nos.9 and 10. The representation of the petitioner also does not indicate whether the petitioner seeks installation of the water pipeline in Plot No.192 or 193. The findings of the authorities are that the petitioner has been in unauthorized occupation of Plot No.193. Thus, no order can be passed in this writ petition.

However, the petitioner is granted liberty to approach the Sub-Divisional Officer, Kalyani, Nadia with a legitimate prayer for water connection to his dwelling house in respect of which there are neither co-sharers nor rival claimants, only then such application of the petitioner shall be processed in accordance with law through the panchayat authorities. Supply of water to plot No.193 cannot be given.

However, if it appears to the authorities that there are rival claimants or there are disputes with regard to the petitioner's right, title and interest in respect of Plot No.192 of Mouza-Pumlia, necessary orders shall be passed and the question of grant of water connection would not arise unless the petitioner clears his title.

It is made clear that the Sub-Divisional Officer shall grant a hearing to all the persons interested including the respondent nos.9 and 10 if the petitioner applies for water connection.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)