

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

06.07.2023
Ct-24

WPA 9297 of 2022
Rabin Roy @ Rabin Chandra Ray
v.
The State of West Bengal & Ors.

Mr. Arunava Ganguly
... for the petitioner.

Mr. Rajarshi Basu
Mr. Anirban Datta
... for the State.

Mr. Suman Basu
... for CMC.

Mr. Prodyut Saha
... for the private respondent.

The private respondent is standing in the way of the Chandannagore Municipal Corporation to supply domestic water connection to the premises of the petitioner allegedly on the ground that an appeal is pending consideration against the order dated February 17, 2017 passed by the learned Civil Judge, Senior Division, 2nd Court, Hooghly.

In T.S. No. 578 of 2013 filed by the petitioner herein, the learned Civil Judge allowed the plaintiff's prayer for making separate privy relying upon the principles of Article 21 of the Constitution of India.

The private respondent herein being aggrieved by the said order preferred an appeal but no order has yet

been obtained setting aside and/or modifying the order passed by the learned Trial Court.

It appears that there is already one water connection in the said premises and the private respondent objects to the grant of a separate water connection in favour of the petitioner herein.

The Chandannagar Municipal Corporation does not have any objection to grant new water connection in favour of the petitioner.

The Court is of the opinion that the civil rights of the parties may be decided in the pending suit. The grant of water connection in favour of the petitioner herein will not create any equity in his favour. The private respondent will not be prejudiced in any manner whatsoever if the water connection is granted in favour of the petitioner. The water connection will not be an indication with regard to declaration of any civil right of the parties that are pending consideration in the title suit. The learned Court below shall proceed to decide the suit on merits without being influenced by the grant of water connection in the subject premises in favour of the petitioner.

In view of the above, the Chandannagar Municipal Corporation is directed to take steps for granting new water connection in favour of the petitioner in his portion of the premises subject to compliance of all necessary formalities and upon payment of the necessary fees.

The said connection shall be granted at the earliest but positively within a period of four weeks from the date of communication of a copy this order. The

private respondent is restrained from interfering in the grant of water connection in the petitioner's premises.

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.)