

10-10-2023
Item No.46
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.10535 of 2023
Sk. Sanowar Ali & Anr.
-vs-
Uluberia Municipality & Ors.
with
CAN No.1 of 2023

Mr. Santanu Chatterjee ...for the petitioners

Mr. G.C.Bandyopadhyay ...for the municipality

Ms. Pampa Dey (Dhabal) ...for the CAN

The petitioners' case is that they seek water connection in No.2, Fort Gloster, Vaspara, plot no.361, JL-06 Ward No. 05, Mouza-Fort Gloster P.S. Bauria, Howrah – 711 305. The men of the Uluberia Municipality visited the subject premises for giving water connection, but the same could not be given in view of the objection raised by some neighbours.

Learned counsel representing the applicant (CAN No.1 of 2023), seeking to be added respondents in the writ petition, submits that a suit was filed by the petitioners where an order was passed for maintaining status quo, and accordingly the water connection ought not to be given in the subject premises without variations/vacating the status quo order.

To this, learned counsel for the petitioners submits that the order of status quo was passed in connection with different plot of land, and not in connection with the subject plot where the petitioners seek water connection.

The court is of the opinion that water being an emergency service ought not to be prevented from giving connection. Moreover, grant of water connection will not create any equity in favour of the petitioners.

However, the suit shall be decided by the learned court below strictly on merits without being influenced by this order or any observations made herein.

The Chairman of the Uluberia Municipality is, accordingly, directed to give water connection to the petitioners at the earliest but positively within four weeks from date, upon compliance of all formalities for obtaining the water connection, including the payment of necessary charges.

The officer in-charge of Bauria police station shall render assistance to the men and agents of the Uluberia Municipality at the time of installation of water connection to the petitioners.

The private respondent and the added respondents are restrained from interfering with the municipality in any manner whatsoever at the time of installation of water connection to the petitioners.

With the above directions, WPA No.10535 of 2023 stands disposed of. No order as to costs.

Consequently, CAN No.1 of 2023 is also disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this order.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]