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10.10.2023
A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 14840 of 2023

**Pranab Kumar Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Sandip Das
... for the Petitioner.**

**Mr. Suprobhat Bhattacharya
... For the respondent no. 6.**

**Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
... For the Municipality.**

The petitioner seeks installation of water connection in the Southern side of the subject premises.

Learned advocate representing the private respondent submits, upon instruction that, the petitioner does not have any right to obtain water connection from the Southern side. The petitioner may obtain water connection from any other side, but not from the Southern side.

A suit for declaration and permanent injunction and partition has been decreed in favour of the private respondent declaring that the petitioner does not have any right over the Southern side passage and accordingly, the petitioner ought not to be permitted to install water connection in the Southern side.

According to the petitioner, the passage in the Southern side is a common one. The same is disputed by the private respondent.

Disputed question of fact cannot be ascertained either by the Court or by the Municipality.

If the petitioner seeks water connection from any other side of the subject premises, then necessary application may be filed before the Municipality.

The writ petition is thus disposed of.

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

(Amrita Sinha, J.)