

Item No.13

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.02.2023
Ct-24

WPA 17626 of 2022
Pradip Kumar Paul

v.

The Kolkata Municipal Corporation & Ors.

Mr. Mainak Ganguly
Mr. Abhishek Singh
Mr. Swarup Saha
... for the petitioner.

Mr. Alok Kumar Ghosh
Ms. Tanushree Das Gupta
... for KMC.

Mr. Debangsu Biswas
Mr. Amit Kumar Saha
... for the respondent no. 5.

In compliance of the direction passed by the Court on January 16, 2023, the representatives of the Corporation inspected the property and have prepared a report. The said report has been filed in Court signed by the Sub-Assistant Engineer, Assistant Engineer and the Executive Engineer, Water Supply, Borough-XVI of the Kolkata Municipal Corporation on January 31, 2023.

Certain proposals have been forwarded in the report. Copy of the report has been circulated amongst the learned advocates representing the respective parties. The petitioner is agreeable to the proposal of the Corporation mentioned on page 4 of the report.

The objection raised by the private respondent with regard to laying of the pipeline through the common passage is not accepted by the Court.

The report indicates that considering the annual valuation of the premises, the size of the ferrule may be increased for improvement of the supply of water. At the time of laying the water pipeline, the Kolkata Municipal Corporation shall take steps to increase the ferrule size in accordance with law, so that the water pressure may increase and all the parties can get sufficient water.

The petitioner shall be obliged to comply with all the formalities required for obtaining the said water connection through the common passage existing in the southern and eastern sides of the premises.

It is made abundantly clear that laying of the pipeline will not create any right, title or interest in favour of the petitioner with regard to the common passage.

The Corporation shall take steps in the matter at the earliest but positively within a period of four weeks from the compliance of all the required formalities including construction of the reservoir. All proposals from the end of the petitioner shall be routed through the licensed plumber engaged by the petitioner.

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.)