

ML 151
17.05.2023
Court. No. 19
GB

WPA 26281 of 2022

Smt. Dipali Routh & Ors.
Vs
The State of West Bengal & Ors.

*Mrs. Usha Maiti,
Mr. Sakya Maiti*

...for the Petitioners.

*Mr. Lalit Mohan Mahata,
Mr. Rudranil De,
Mr. Prasanta Behari Mahata*

...for the State.

Mr. Gourab Ghosal

...for the Respondent Nos.12 to 15, 17 & 18.

Exceptions to the affidavit and response in the from of affidavit filed in Court today, be kept with the record.

The petitioners' allegation was that the respondent nos.12 to 18 had ransacked the water supply line given to the petitioners by the panchayat authority through Plot Nos.433 and 434 of Mouza-Banamalipur under the 'Sajal Dhara' project.

According to the petitioners, for the construction of a 'moram' road such disconnection had taken place and the petitioners pray that the panchayat authorities be directed to restore the said line in terms of the said project.

On the first occasion when the matter was heard, the Court directed the Block Development Officer, Bhagwanpur-I Development Block to answer the following questions:-

- a) *"Whether the pipeline, which was installed allegedly through the rural moram road in front of the house of the petitioners had been none with the permission of the panchayat authorities under the 'Sajal Dhara' scheme and had been existing for the last six years.*

- b) *Whether the Pradhan or any of the members of the said gram panchayat was involved with such disconnection.*
- c) *Whether such pipeline interfered with the fee supply of water to the houses of the villagers from the connections given under the 'Sajal Dhara' scheme.*
- d) *Whether such pipeline had at all been laid over the private land of the respondent Nos.12 to 18. Before such report is prepared, the Block Development Officer shall hold an inspection in the presence of the petitioners, the respondent Nos.12 to 18, the Pradhan and other interested villagers, in order to ascertain the correct position."*

Thereafter, the Block Development Officer, in compliance of the order of this Court, had answered the question as hereunder:-

- A) On the information derived from the Pradhan, Simulia Gram Panchayat vide memo No.3151 dated December 30, 2022 and as per the report of the Pradhan, Simulia Gram Panchayat, a submersible pump had been installed by the gram panchayat during the financial year 2020-21. However, no pipeline was laid by the gram panchayat and no one had taken any permission for laying the said pipeline from the concerned gram panchayat.
- B) A report was also called for from the Block Land and Land Reforms Officer Bhagwanpour-I Block vide memo No.3152 dated December 30, 2022. As per the report of the Revenue Officer, Bhagwanpur-I Block, a pipeline existed on Plot No.437 of Mouza-Banamalipur through the middle of the said plot.

C) Neither the Pradhan nor the members of the Simulia Gram Panchayat, was responsible for any disconnection.

D) The petitioners could always collect water from the main tank which had been constructed under the 'Sajal Dhara' project.

E) The pipeline which was allegedly destroyed, was under the possession and control of several raiyats including some of the respondents herein and the parties had used the said pipeline amicably.

F) The pipelines were by the side of the moram road.

It appears that the report was filed upon physical inspection by the authorities.

The learned advocate for the petitioners submits that the contentions of the Block Development Officer are not correct. A sketch map (not drawn to scale) has been relied upon by the petitioners, inter alia, showing that a pipeline had been drawn over plot nos. 433 and 434.

The learned advocate for the respondent nos.12 to 15, 17 and 18 submits that the petitioners tried to draw a separate connection from the main connection by laying a pipeline through the common land belonging to all the parties. In the absence of any demarcation, the parties objected to such installation of individual pipeline. Hence, the dispute arose. The petitioners could always draw water from the common tap.

There are disputed questions of facts which cannot be gone into by this Court. It is clear that the respondent

authorities have neither laid the pipelines nor implemented any project under the 'Sajal Dhara' scheme. No disconnection had also been effected by such authorities. The dispute is between the petitioners and the respondent nos.12 to 18.

The petitioners are at liberty to approach the competent civil court in accordance with law. As the water connection was neither installed nor disconnected by the panchayat authorities, the question of restoration of the same, does not arise. The panchayat authorities cannot interfere in a private dispute with regard to user of the land in question.

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 as well as on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)