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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1667/2023
MANMOHAN CHOWDHURY
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE JAY SENGUPTA
Date : 16TH November, 2023.

Appearance :
Mr. D. Gupta, Adv.; Ms. S. Biswas, Adv.; Mr. B. Datta, Adv.; Mr. U.K. Shaw, Adv.,... for the
petitioner.
Ms. A. Panja Moulik, Adv.,
... for the State.
Mr. J. Bhattacharyya, Adv.; Mr. F. haque, Adv., for private respondent.

The Court: Affidavit-of-service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a tenant of the private respondent at the property in question. For sometime now, the private respondent has been committing mischief by disconnecting electricity and water supply to the petitioner. This was brought to the notice of the police authorities but they have not rendered any help.

Learned counsel appearing on behalf of the private respondent submits as follows. The petitioner or his brothers or his relations are not staying at the said property. They have sublet the property to others for eviction of whom the petitioner has already instituted a proceeding. The petitioner has made an application for addition as party in that proceeding. However, it is clarified that

the private respondent has never disconnected the electricity or the water supply to the said tenanted premises and will not do so in future.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner and his brothers are not residing at the tenanted premises. They are having their staff stay there. The owner has already filed a civil suit against the occupier.

It appears that a civil suit is pending between the owner and the occupier. Any further relief to be sought by the parties shall have to be before the competent civil court.

However, essential services like electricity connection and water supply cannot be terminated even for a moment.

Fortunately, the private respondent has submitted that they have never done so. It is expected that they will not violate the law by disconnecting electricity or water supply pending such litigation.

No further order need be passed in this regard.

The police, however, shall keep a sharp vigil at the locale to ensure that no breach of peace takes place and that no order of the civil court is violated.

With this order, the writ petition is disposed of. There will be no order as to costs.

(JAY SENGUPTA, J.)

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