

AD-10
Ct No.09
14.03.2024
TN

WPA No. 1019 of 2024

Harendranath Adhikari
Vs.
The State of West Bengal and others

Mr. Partha Sarathi Das,
Ms. Shanta Sarkar,
Mr. Debojyoti De
.... for the petitioner

Mr. Amitesh Banerjee, Ld. Sr. Standing counsel,
Mr. Suddhadev Adak
.... for the State

Mr. Uttiya Ray,
Mr. Ashutosh Pal,
Mr. Arnab Mandal
.... for the respondent no.2

Mr. Baidurya Ghosal,
Ms. Aatreyee Dutta,
Mr. Saikat Mukherjee
.... for the respondent nos. 6 to 9

1. Learned counsel for the petitioner submits that the petitioner seeks a water connection at his premises which cannot be given due to resistance by the private respondents.
2. It is pointed out by learned senior standing counsel for the State, by handing over a copy of an order, that there is a subsisting order of the civil court passed in a suit between the petitioner and the private respondents directing both the parties to maintain *status quo* in terms of change in regard to transfer, construction, demolition or alienation of suit property and also of

nature, character or creating any disturbance over the schedule-mentioned suit property.

3. Learned counsel for the private respondents also submits that the petitioner already has a water supply at the premises.
4. Learned counsel for the petitioner, while disputing the contentions of the private respondents, points out that under the Municipal Law, the petitioner is entitled to get water supply, which is a statutory right, even as an occupier. The question as to whether the petitioner is entitled under the law to get a water supply is, in the present case, circumscribed by the order of the civil court which stares at the face.
5. Since the civil court has directed *status quo* to be maintained also in respect of construction, demolition and change of nature and character and since certain equipments may have to be installed for giving water supply as required by the petitioner, it would only be appropriate if the petitioner renews his prayers before the civil court, seeking appropriate orders and/or modification of the *status quo* order which is now prevailing.
6. In such view of the matter, without going into the merits of the contentions of the parties, WPA No. 1019 of 2024 is disposed of by granting liberty to the petitioner to approach the court of learned Civil Judge (Junior Division), First Court at Bolpur, where Title

Suit No. 175 of 2022 is pending, for ascertaining the purported rights of the petitioner to get water supply at the premises by way of appropriate orders in that regard and/or modification of the status quo order.

- 7.** If such an application is made before the learned Civil Judge, it is expected that the same will be disposed of in accordance with law as expeditiously as the business of the court permits.
- 8.** There will be no order as to costs.
- 9.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)