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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2068 of 2024

Shri Kanan Behari Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Amritam Mondal,
Ms. Ananya Chakraborty,
Ms. Shipra Naskar
...for the petitioner

Mr. Indranil Roy,
Mr. Tapas Kumar Mondal
...for the State

1. The petitioner is a tenant in respect of a particular property where the petitioner is running a Kindergarten School.
2. It is contended that the petitioner's water supply was disrupted by the private respondent/landlady on several occasions, for which the petitioner had to approach the civil court where an eviction suit at the behest of the private respondent and a declaratory suit at the behest of the petitioner are pending.
3. Initially, despite orders being passed by the civil court, the water supply was never restored. Subsequently, upon approaching this Court, the petitioner was granted liberty to get an independent water supply connection by way of an order from

the civil court. The petitioner, complying with the same, approached the civil court and obtained such an order, upon which the petitioner made representations before the respondent nos. 2 and 3 for getting independent water supply connection. However, such connection is not being given.

4. Learned counsel appearing for the respondent nos. 2 and 3 hands over a statement of fact which indicates that upon visiting the premises it was found that one PHED tap connection already exists and is fully functional and beneficiaries are fetching drinking water from the same on regular basis. That apart, in the version of the Executive Engineer, that is, the respondent no. 2, since there was no established evidence of existing two entities in the same premises, his office could not extend the second tap connection there, as requested in the letter given on behalf of the petitioner.

5. Learned counsel for the respondent nos. 2 and 3 also contends that when the respondent no. 2 through his men and agents approached the premises, the private respondent/landlady gave an impression that she and her family members were getting sufficient water supply and, as such, no further connection is required to be given.

6. Heard learned counsel for the parties.

7. Since the private respondent chooses to remain absent despite service, the matter is taken up hearing in her absence.

8. Affidavit-of-service filed in Court today be kept on record.

9. It transpires from the order dated May 05, 2022 passed in Title Suit No. 3 of 2015 that 15 days' time was given to the private respondent by the civil court to give potable water to the petitioner, failing which the petitioner was given the liberty to take independent water connection in the suit premises in his name without prejudice to right of the private respondent.

10. In any event, from the turn of events and the pendency of the suits between the private respondent and the petitioner, it is quite evident that the relationship between the two is strained and, as such, the petitioner is entitled to get an independent water supply connection, which is an amenity which falls within the basic rights of the petitioner, being an adjunct to the petitioner's right to life as enshrined in the Constitution of India.

11. In such view of the matter, there cannot be any impediment, merely because the private respondent objects, to give such connection to the petitioner.

12. Accordingly, W.P.A. No. 2068 of 2024 is disposed of by directing the respondent nos. 2 and 3 to ensure that an independent water supply

connection is given to the petitioner at the disputed premises upon the petitioner complying with due formalities in that regard, preferably within a fortnight from date.

13. In the event the respondent nos. 2 and 3 are prevented by respondent no. 6 and/or her men and agents in doing so, it will be open to the respondent nos. 2 and 3 and/or their men and agents to approach the respondent no. 4, that is, the Inspector-in-Charge, Chinsurah Police Station, for adequate police assistance, who will act on the server copy of this order and grant such assistance at the cost of the petitioner.

14. If necessary, for doing so, the police personnel will be at liberty to remove any padlock or other hindrance if put up by the private respondents or her men and agents to prevent the respondent nos. 2 and 3 and/or their men in giving such connection to the petitioner.

15. It is, however, made clear that in consonance with the spirit of the civil court's order, such connection, as and when given, shall be without prejudice to the rights of the private respondent in the pending suits or otherwise.

16. The statement of facts filed by the respondent no. 2 and the respondent no. 6 be kept on record.

17. There will be no order as to costs.

18. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)