

02.12.2024
Item No.
A 48
Saswata

W.P.A. 10302 of 2024

**Jitendra Nath Saha
versus
Kolkata Municipal Corporation & Ors.**

Ms. Riya Banerjee

...For the petitioner

Mr. Gurudas Mitra

Mr. Manisha Nath

...For the KMC

The petitioner seeks a separate water connection for his premises. His grievance is that, due to obstruction created by other co-sharers of the property, he is unable to utilise the water supply from the existing reservoir at the premises. By order dated July 16, 2024, this Court directed the Corporation to appoint a responsible engineer to jointly inspect the premises, along with a licensed plumber engaged by the petitioner, in order to find out a viable solution for providing a water connection with adequate pressure. In compliance, the Corporation has submitted a report, which has been duly taken on record.

The Corporation's report recommends closing the existing ferrule at the premises, identified as "A" in the map contained in the report, and installing a separate ferrule, shown as A' in the map. The report further proposes the construction

of an additional reservoir at the premises, at the petitioner's expense, from which the petitioner will receive water.

The petitioner disagrees with this proposal, citing the high cost of approximately Rs. 70,000, which according to him exceeds his financial capacity. However, the petitioner prays that a water supply connection be provided by installing an exclusive ferrule for him, with the connection being made from the rear side of the premises. The petitioner is inclined to utilise the water supply provided by the Corporation, without the construction of a new reservoir.

Mr. Mitra, learned advocate for the KMC, submits that the Corporation's rules prohibit the provision of two ferrules for a single premises. He has provided a copy of the relevant rules, published on the Corporation's website, which state: "One premises is entitled to receive one water supply connection."

However, no statute supporting this rule has been presented to this Court.

It is undisputed that the premises in question are occupied by at least five co-sharers, each with respective possession of portions of the relevant

plot. There cannot be any inviolable rule prohibiting the provision of two ferrules for a single premises, particularly where one ferrule cannot provide water connection to all co-owners or persons in possession of the premises.

Given the petitioner's financial constraint, I am of the view that if providing a separate ferrule for the petitioner results in a lower cost for the water connection, the Corporation should explore this possibility. Accordingly, I dispose of the writ petition with a direction to the Executive Engineer, Water Supply Department (J.U.), Kolkata Municipal Corporation, Br-XI (respondent no. 2), to consider the feasibility of providing a separate water supply connection for the petitioner's premises by installing a separate ferrule.

It is clarified that the Executive Engineer shall not refrain from providing a separate ferrule on the ground that the existing rules of the Corporation allow only one water supply connection per premises.

The Executive Engineer shall hear the petitioner and all other concerned parties before making a decision. This exercise should be completed within two months from the date of communication of this order.

The petitioner has agreed to pay the necessary fees for the installation of the separate water supply connection at his premises.

With the above directions, **WPA No. 10302 of 2024**, is disposed of.

Urgent Photostat certified copy of this order if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Kausik Chanda, J.)