

S/L 63
07.02.2024
Court. No. 3
Sourav

WPA 14224 of 2019

Ram Chandra Sharma
Vs.
State of West Bengal & Ors.

Mr. Tapas Kr. Dey
Ms. Susmita Mondal
Mr. Asish Kr. Dutta

...for the petitioner.

Mr. R. N. Mahato
Mr. A. S. Ray

...for the respondent no. 7

1. Both the petitioner and the private respondent no. 7 are represented by their respective learned advocates.
2. On perusal of the instant writ petition and after hearing the learned advocates for the parties, it appears to this Court that the reliefs as prayed for by the writ petitioner in Prayer (a) to Prayer (d) of the writ petition are the subject matter of adjudication before a common law forum.
3. From page no. 95 of the writ petition, it reveals further that for the self-same reliefs, the present petitioner has already instituted Title Suit No. 185 of 2019 against the private respondent no. 7 in the Court of learned Civil Judge (Junior Division) 3rd Court, Paschim Medinipur and it is submitted that the said suit is still pending for disposal.
4. In view of such, the instant writ petition so far as the Prayer (a) to Prayer (d) is concerned, in considered view of this Court, is hit by a doctrine of election and, therefore, is found to be not maintainable and is thus, dismissed. It is, however, made clear that the

aforementioned order of dismissal shall not have any impact in the proceeding in Title Suit No. 185 of 2019 as pending before the learned Civil Judge (Junior Division) 3rd Court, Paschim Medinipur and the same shall also not to be construed as *res judicata* in the said suit.

5. So far as the Prayer (e) of the instant writ petition is concerned, it appears that the writ petitioner before this Court has ventilated his grievance as against the Kharagpur Municipality and its officials i.e., respondent nos. 3 and 4 for not installing new water pipe line connection to the petitioner's house.
6. Such being the position, the Executive Officer, Kharagpur Municipality, P.O.+P.S. Kharagpur, Dist – Paschim Medinipur, Pin – 721301 is directed to consider the requirement of the present petitioner regarding his prayer for installation of new pipe line connection to the writ petitioner's house and to that effect, the respondent no. 3 i.e., the Executive Officer, Kharagpur Municipality shall after receipt of a copy of the instant writ petition afresh (which should be treated as a representation of the present petitioner) shall after giving an opportunity of hearing either to the present petitioner or to his learned advocate shall pass an appropriate reasoned order positively within a month from the date of communication of this order.
7. With the aforementioned observation, the instant writ petition being **WPA 14224 of 2019** is disposed of.
8. Parties to act on the server copy of this order.

9. Urgent photostat certified copy of this order, if applied for be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)