

Sl. No.49.
25.09.2024
Suman
Ct. 15

WPA 17681 of 2024

Dipak Shil
Vs.
The State of West Bengal and Ors.

Mr. Syamal Kumar Das
Ms. Smita Pal
..for the petitioner

Mr. Gautam Lahiri
..for respondent nos. 2 to 4

The petitioner claims to be a tenant in respect of premises no.115/A Netaji Subhas Avenue, Serampore, Hooghly.

It is the grievance of the petitioner that the landlord has illegally stopped the water supply to his premises, which compelled him to make an application before the Serampore Municipality seeking a separate water connection.

The petitioner submits that despite giving repeated representations, the Municipality has failed to provide a separate water connection to his premises.

Learned advocate appearing for the Municipality, on the other hand, submits that the water supply could not be facilitated due to the objection raised by the landlord though the Municipality has made a spot inspection.

Learned advocate appearing for the petitioner has rightly relied upon a judgement passed by this Court reported at **(Mukti Nath Jha Vs. Bally Municipality and Ors.) (1995) 1 CHN 465** where this Court has held that an application for grant of separate water connection is maintainable at the instance of a tenant under Section 289 of the Bengal Municipal Act, 1932.

In the aforesaid facts, this writ petition is disposed of with a direction upon Serampore Municipality to consider the representation of the petitioner dated June 14, 2024, appearing at page 16 of the writ petition, within a period of one month from the date of communication of this order in the light of the judgment delivered in **Mukti Nath Jha's** case (supra).

The Municipality shall afford an opportunity of hearing to the petitioner as well as the landlord of the premises.

With the aforesaid direction, **WPA 17681 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)