

Item No.225

19.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 25497 of 2023
Sikha Mitra @ Shikha Mitra
v.
The State of West Bengal & Ors.

Mr. Amit Singh
... for the petitioner.

Mr. Manas Malakar
... for the respondent no. 7.

Mr. D.N. Mukherjee
Mr. Janardan Mondal
... for the State.

Mr. Sima Chakraborty
Ms. Dipanwita Ganguly
... for KMC.

The petitioner claims to be the owner of a flat on the 1st floor of premises no. 28/1, Ganendra Mitra Lane, Police Station-Shyampukur, Kolkata-700004. The name of the petitioner has been mutated in the records maintained by the Kolkata Municipal Corporation.

Grievance of the petitioner is that she is not getting water supply in the 1st floor.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from the engineers of the Corporation, Water Supply Department which mentions that on inspection it was found that the four storied building has one existing Kolkata Municipal Corporation filter water connection for domestic use and filter water supply is normal. However, there is no reservoir and overhead tank in the building. The

Corporation does not have any provision to provide another domestic filter water connection at the subject premises.

The owner of the land in question is represented. It has been submitted that the development agreement entered in between the owner and the developer has been revoked. It was the duty and responsibility of the developer to provide the water connection. The developer left the work in an incomplete manner. It has been admitted that construction of the subject premises is yet to be completed.

It appears from the submissions made on behalf of all the parties that, admittedly, the petitioner staying in the 1st floor of the subject premises is not receiving filter water as there is no reservoir and overhead tank. The building sanctioned plan mentions about the overhead tank. If the construction in question has been made contrary to the sanctioned plan, then necessary steps shall be taken to deal with the same. The occupant of the 1st floor cannot and ought not to remain without any water which is an essential supply.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer, Water Supply (North) being the respondent no. 5 herein to consider the grievance of the petitioner and to ensure that the occupant in the 1st floor of the subject premises receives filter water.

Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)