

66. 10.11.2025
Court No.03.
(M/L)
(Pritam)

WPA 700 of 2024

Kohinoor Begam & Ors.

-Vs.-

State of West Bengal & Ors.

Ms. Indrani Nandi.

.....for the petitioners.

Mr. Gautam Lahiri.

....for the Serampore Municipality.

1. The present writ petition has been filed praying for a direction upon the Chairman, Serampore Municipality to provide the petitioner with water connection.
2. It is the case of the petitioners that Holding No.71, Mallick Para Lane had been partitioned amongst the co-sharers. As per the partition plan, they have been allotted with the lots "C", "D", "E", which are morefully identified in the partition place, which is apparent from page-62 of the writ petition.
3. Insofar as the private respondents no.6, he has been allotted plot of land No. "B", while the private respondent no.7 has been allotted plot No. "A". As per the partition plan, a common passage runs from the eastern portion of the aforesaid holding which connects Mallick Para Lane on the northern side which is a 3.5 feet wide common passage. The aforesaid common passage is the only means of ingress and egress to the petitioners' partitioned lots.

4. According to the petitioners, although the petitioners had applied before the municipal authorities for water connection and had deposited the requisite fee, the petitioners have not been favoured with water supply connection.
5. The learned advocate representing the private respondents would, however, submit that a civil suit is pending between the parties being Title Suit No.227 of 2019 before the court of the learned Civil Judge, Junior Division, 2nd Court, Serampore, Hooghly. By order dated 20th June, 2019, the parties have been directed to maintain *status quo* in respect of the nature, character and possession of the common passage.
6. According to the learned advocate for the private respondents, the aforesaid interim order has since been extended and is continuing. The learned advocate representing the municipal corporation would submit that the municipality has no objection in granting water supply to the petitioners. Unfortunately, the supply could not be effected since the private respondents had put up obstruction.
7. Having heard the advocates for the respective parties, I find that the order of *status quo* has been passed by the Civil Court as regards the nature and possession of the suit property which is the common passage wherein a direction has been issued not only to

maintain *status quo* but not to change the nature and character of the common passage.

8. I am of the view that the above order does not interfere with rights of the parties, including the petitioners from being entitled to supply of water through the above common passage.
9. Since the access of the petitioners to their respective plots is through the common passage starting from Mallick Para Lane which is a municipal road, I am of the view that the municipal authorities should immediately take steps and provide water connections to the petitioners from Mallick Para Lane. As the private respondents are already enjoying supply of water connection through the self-same common passage, there is no justification to deny the petitioners, the supply of the water connection through the common passage.
10. It is expected that the supply shall be effected to the petitioners' property within a period of six weeks from the date of communication of this order.
11. It is further made clear that this Court has not interfered with the order passed by the learned Civil Court and the learned Judge shall be competent to deal with the suit on its own merit.
12. The municipal authorities shall be at liberty to take assistance from the police authorities and if, such

assistance is sought for, the local police station shall render adequate police assistance.

13. With the above observations, the writ petition stands disposed of.

(Raja Basu Chowdhury, J.)