

07.03.2025
Sl. No. 04.
D/L.
Mithun
Ct.No.39.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 20959 of 2022

**Smt. Nilima Maity (Hutait)
Vs.
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty

...for the petitioner

Ms. Priyanka Jana

...for respondent no.9.

Mr. Arnab Roy,
Mr. Purnendu Shekhar Ghosh

...for respondent no.6.

Mr. Benazir Ahmed

...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

This writ petition has been filed for quashing and
or setting aside the resolution dated 24th June, 2022
(Annexure P-3).

This is second round of litigation.

Previously, the petitioner filed a writ petition being
WPA 7731 of 2020 wherein the petitioner alleged that
the landlord has disconnected the water supply and in
the said writ petition following direction was issued:-

*“In view of the above, the instant writ petition is
disposed of by directing the respondent no.7, the Prodhan,
Dibakarpur Gram Panchayat to take steps for consideration of
the representation made by the petitioner, strictly in
accordance with law, after giving an opportunity of hearing to
all the necessary parties, including the petitioner, within a*

period of four weeks from the date of communication of a copy of this order.”

Ms. Poulami Chakraborty, learned Advocate for the petitioner submits that the petitioner is not getting water supply in her tenanted premises.

Ms. Priyanka Jana, learned Advocate appearing for the private respondent no.9 contends that the petitioner is not at all a tenant and eviction decree has been passed against the petitioner in a suit filed by private respondent by a competent civil Court. The petitioner cannot seek for quashing of the order impugned since no water connection under *Sajal Dhara* Project was granted in the name of the petitioner.

Mr. Arnab Roy, learned Advocate representing respondent no.5, Prodhan, Dibakarpur Gram Panchayat submits that water connection under *Sajal Dhara* Project was in the name of the landlord and due to the reason of wastage of water, the connection has been stopped. The water connection was never in the name of the petitioner. However, the petitioner can have access to the *Sajal Dhara* Committee's public tap which is situated within 50 meters and the petitioner can obtain water from the said tap which will not be objected by the Prodhan.

Upon perusal of the reasoned order, it is found that the respondent no.5, Pradhan, Dibakarpur Gram Panchayat in compliance to the aforesaid order of this Hon'ble Court, issued notice to the petitioner to attend

the hearing. However, the petitioner refused to accept the notice and did not appear. It is not in dispute that the water connection under *Sajal Dhara* Project was in the name of the landlord and has been disconnected due to wastage of the water. Since the water connection under *Sajal Dhara* Project is not in the name of petitioner, hence she cannot claim for its restoration. Further the petitioner herself did not appear before the authority concerned despite notice in compliance to the order of this Court. In view of the above, the writ petition falls short of merit.

Accordingly, the writ petition being **WPA 20959 of 2022** stands dismissed.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)