

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 18804 of 2025

**Maya Bairy
versus
State of West Bengal & Ors.**

For the petitioner	:	Mr. Nilanjan Adhikari Mr. Sourav Mondal Mrs. Oindrila Sinha
For the KMC	:	Mr. Piyali Sengupta Ms. Manisha Nath
For the State	:	Ms. Susmita Chatterjee
For the pvt. Respondent :		Mr. Arka Ranjan Bhattacharya Mr. Swarup Kar

Heard on : 23.03.2026

Judgment on : 23.03.2026

Raja Basu Chowdhury, J (Oral):

1. The affidavit-of-service filed in Court today is taken on record.
2. The petitioner claims to have acquire interest in the property measuring 2 cuttas lying and situated Mouza-Sahanagar, Sub-Division H, Division-6, Dihi Panchanna Gram presently

premises No. 3E, Sadhu Charan Road, P.S. Tollygunge, Kolkata 700026 within ward No. 88 of the Kolkata Municipal Corporation (in short the KMC)(hereinafter referred to as the said flat).

3. According to the petitioner, the building standing thereon originally belonging to the husband of the private respondent No. 13 namely, Rathindra Nath Mukherjee, son of late Ram Chandra Mukherjee. The said Rathindra Nath Mukherjee had since transferred one self-contained flat in the northern side of the ground floor in favour of the one Sri Bilwapada Das with access through the common passage, including all easement rights vide a sale deed dated 15th December, 1969 (in short the “said flat”). According to the petitioner, Rathindra Nath Mukherjee continued to exclusively enjoy other portion of the property which did not form part of the sale deed dated 15th December, 1969. Subsequently, the petitioner had purchased the said flat from Sri Bilwapada Das, vide a deed of sale dated 3rd December, 2021, which has been duly registered with the District sub Registrar-II, Alipore, South 24 Parganas. According to the petitioner, consequent upon the demise of Rathindra Nath Mukherjee, the respondent No. 13 and other legal heirs of late Rathindra Nath Mukherjee became the co-owners and/or occupiers and/or residents of the aforesaid premises except the flat purchased by the petitioner. The petitioner states that

petitioner has mutated the said flat in his name in the records of the KMC and a specific assessee No. being 110881500310 has since been allotted. The petitioner contends that although, the flat has been separately mutated, the premises number has not changed in the records of the KMC.

4. The petitioner would contend that though previously electricity was supplied from a common meter, however, since the same was disconnected, the petitioner was compelled to approach this Court against the disconnection of supply in WPA 19628 of 2024. By an order dated 19th August, 2024, the aforesaid writ petition was disposed of by directing the CESC Ltd. to install a separate meter and supply electricity to the petitioner through such meter. The aforesaid meter was installed by laying an electricity line through the common passage.
5. The petitioner states that the water supply to the petitioner's portion has already been disconnected by the private respondent No. 13, the petitioner is presently facing serious difficulties due to lack of supply of water. After, the petitioner's requests to the private respondent, for getting supply of water though the connection meant to cater water to the entire premises failed, the petitioner had applied before the office of the Executive Engineer KMC water supply, for a separate water connection. Such application was filed on 28th April, 2025. Despite making such application, since the municipality has not

taken any steps, the petitioner has been compelled to approach this Court.

6. When the matter was taken up for consideration on 18th February, 2026, this Court noting the prayer made by the KMC for an accommodation to take instruments had adjourned this matter. Today, Mr. Sengupta learned advocate appears for the KMC. She would submit that ordinarily a premises is supplied with only one water connection. Since, there is an existing connection to the premises in question, the petitioner's application has not been processed. She would, however, submit, in the event any direction is issued by this Court, the municipal authorities shall adhere to the same.
7. The private respondent is represented. According to the private respondent, it is obligation of the petitioner under the registered sale deed to obtain separate water connection directly from the municipal authorities. Having heard the learned advocates appearing for the respective parties, I find that although Ms. Sengupta, learned advocate representing the KMC is not averse to the supply of water to the petitioner, she would submit that the existing domestic supply which is available at the above premises should cater to all the units of the said premises. Having regard to the above I have noted the provisions of the Kolkata Municipal Act, 1980(hereinafter referred to as the said Act). As per the provisions of Section 234 of the said Act, it is

the duty of the Corporation to supply water. I also note that as per the provisions of the said Section and in explanation-II, the terms house has been explained and includes a building, a flat as defined in the West Bengal Building (Regulation of Permission and Construction and Transfer by Promoter) Act, 1993 or an apartment as defined in the West Bengal Apartment Ownership Act, 1992 as the case may be.

8. In the instant case, I find that the petitioner has been able to demonstrate that the petitioner is a lawful owner and occupier in respect of the ground floor portion of the premises No. 3E, Sadhu Charan Road Kolkata, P.S. Tollygunge. Although, a separate assessee number has been allotted, the premises in question has not been segregated and the petitioner's portion has not been renumbered.
9. Be that as it may, ordinarily since, the petitioner is an occupant of the ground floor portion of the aforesaid premises, the petitioner is entitled to supply of water. The Corporation is under an obligation to provide the same. In the peculiar facts though, the private respondent is having an existing supply and is under an obligation to share such supply with the petitioner, however, since the said respondent is not willing to share the supply and noting that there shall be no difficulty in laying pipeline for supply of water through the common passage via a sub-line connecting the main supply to the premises in

question, I am of the view that the supply of domestic water to the petitioner's premises cannot be denied.

10. Accordingly, considering the peculiar facts, I am of the view in the event, the petitioner undertakes to bear all costs, charges and expenses for securing separate supply of water to its portion from the main line or from the existing supply line and makes an application through a licenced plumber, the municipality shall effect such supply subject to its technical viability, on the undertaking to be given by the petitioner that the petitioner shall not only bear the costs, charges and expenses for getting such connection but also shall repair the common passage by restoring the same to its original state after supply of water is connected to its premises. It made clear that once, an application is made by the petitioner through the licenced plumber, the same shall be processed and the supply be effected by the KMC as expeditiously as possible preferably within 2 weeks from the date of making such application.
11. With the above observations and directions, the writ petitioner is disposed of.

(Raja Basu Chowdhury, J.)

**Sayandeep
A.R. (Court)**