
(2008) 07 CAL CK 0013
In the Calcutta High Court
Case No : Writ Petition 14575 (W) of 2007

Howrah Ganatantrik Nagarik Samity APPELLANT
Vs
State RESPONDENT

Date of Decision : 18-07-2008

Acts Referred:

Citation : (2008) 4 CHN 540

Hon'ble Judges : S.S. Nijjar, C.J.; Pinaki Chandra Ghose, J

Bench : Division Bench

Advocate : Aloke Kumar Ghose and Achinra Kumar Banerjee, D.P. Mukherjee, Smriti Kana Mukherjee and Debjit Mukherjee, Subhas Datta, for the Appellant; Sandip Srimani, for the Respondent

Judgement

S.S. Nijjar, C.J.—We have heard Mr. Datta and we have heard the Municipal Corporation also. Mr. Datta points out that the outlying canals surrounding the area of Kolkata Municipal Corporation are in the control of authorities other than the Corporation. In fact the responsibility seems to be split up between three different departments of the West Bengal Government. If the outer canals are appropriately cleaned to guarantee free flow of water, the natural drainage system which is available to Kolkata would perhaps be restored. However, since no action has been taken on the aforesaid, the city has to suffer from water logging on each occasion when there is a heavy downpour of rain. It has also been pointed out by Mr. Datta that even within the city, Kolkata Municipal Corporation has not been able to take sufficient steps to prevent the water logging in certain areas of the city.

2. In reply Mr. Ghosh has submitted that all necessary action pursuant to the report submitted by WHO have been taken by the Kolkata Municipal Corporation. Even after the steps having been taken the city continues to suffer from water logging. We are not at all impressed by the submissions made by Mr. Ghosh. Firstly, as pointed out by us the report was submitted by WHO in the year 1959. Since then the city has not only grown in population it has also grown in drainage

area as well.

3. Consequently there is also a tremendous increase of sewerage being generated by the increased population. This situation has also been aggravated by total change in the density of the population within the Corporation area due to the development of huge high-rises and other multi-storied structures.

4. The problem of increase in population has been added to by migration from surrounding rural areas. Consequently the measures taken by the Municipal Corporation on the basis of the report submitted by WHO in 1959 cannot possibly meet the needs of the sewerage disposal of the city of Calcutta as it exists in the 21st century.

5. We, therefore direct the Kolkata Municipal Corporation to take immediate steps to improve the drainage system within the Corporation. We also direct the State of West Bengal to co-operate with any request that may be made by the Kolkata Municipal Corporation with regard to the cleaning of the canals which are outside the territory of the Municipal Corporation. The Municipal Corporation is also directed to place on the record a brief synopsis of the steps taken by the Corporation with regard to-

(a) Identification of the problem;

(b) Possible solution of the problem;

(c) Steps taken by the K.M.C since 1959 or as far as possible till the date for making improvement in the drainage system within the Corporation.

6. Let such report be filed within a period of four weeks from today.

7. Xerox plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the learned Counsel for the parties on usual undertaking.

Pinaki Chandra Ghose, J.

8. I agree.