
(2011) 09 RAJ CK 0050
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1302 of 2011

Nizamuddin

APPELLANT

Vs

The Jaipur Municipal Corporation and Others

RESPONDENT

Date of Decision : 01-09-2011

Acts Referred:

Citation : (2011) 09 RAJ CK 0050

Hon'ble Judges : N.K. Jain, J

Bench : Single Bench

Judgement

Narendra Kumar Jain I, J.—Heard learned Counsel for the parties.

2. Petitioner has preferred this writ petition with a prayer that by way of an appropriate writ, order or direction, Respondent Nos. 2 and 3- The Public Health and Engineering Department, may be directed to release water connection to the Petitioner at his tenanted property, as applied for, and further to restrain Respondent No. 1, Jaipur Municipal Corporation not to put any hindrance in the way of Petitioner in getting water connection from the Respondent Nos. 2 and 3.

3. Learned Counsel for Petitioner submitted that property in dispute was on rent with his Uncle Abdul Latif, who has now died, the said property was taken on rent from Chandra Shekhar Mahadev Ki Baghichi Sevkan Sansthan, Jaipur and as per settlement took place between late Shri Abdul Latif and Chandra Shekhar Mahadev Ki Baghichi Sevkan Sansthan, Jaipur in Suit No. 23/2001, pending in the Court of Additional Civil Judge(Junior Division) No. 5, Jaipur City, Jaipur, dated 18.12.2008, tenant was given liberty to take electricity and water connection, at his own cost. Petitioner submitted that he has already deposited the required amount and certificate from landlord for releasing water connection, but Respondent Nos. 2 and 3 are not releasing the same.

4. Learned Counsel for Respondent Nos. 2 and 3 submitted that vide letter dated 05.01.2011, Petitioner was informed to produce "no dues certificate" from Devasthan Department as well as Municipal Corporation, Jaipur. Since Petitioner

has not produced both the certificates, therefore, water connection could not be released, However, during the course of arguments, learned Counsel for Respondent Nos. 2 and 3 fairly and frankly submitted that Petitioner may be directed to file fresh representation before Respondent Nos. 2 and 3 for releasing water connection in his rented shop and the same will be examined, in accordance with rules and if application is found in order, then water connection will be released, without asking for any "no dues certificate" from Municipal Corporation, Jaipur and Devasthan Department.

5. Learned Counsel for Respondent No. 1-The Jaipur Municipal Corporation, submitted that property in dispute belongs to Municipal Corporation, therefore, water connection cannot be released in favour of Petitioner. However, during course of arguments, he could not show any document to satisfy this Court that property in dispute belongs to Municipal Corporation, Jaipur. In case Municipal Corporation, Jaipur is claiming this property in its ownership, then it has got statutory powers under the Rajasthan Municipality Act for appropriate action, but it cannot direct the Public Health and Engineering Department, not to sanction any water connection to any tenant in rented premise.

6. Be that as it may, as agreed by the parties, the writ petition is disposed off with liberty to Petitioner to file a fresh representation for releasing water connection in his rented shop and in case the said representation is filed, then Respondent Nos. 2 and 3- The Public Health and Engineering Department, will consider the same, sympathetically, in accordance with law and will release the water connection to the Petitioner forthwith, preferably within a period of one month from the date of receipt of representation from the Petitioner.

7. In view of above, application filed by Petitioner for interim order stands disposed off.

8. Since the writ petition itself has been disposed off, therefore, this stay application also stands disposed off.