

(2013) 06 CAL CK 0071

In the Calcutta High Court

Case No : W.P. No. 21712 (W) of 2012 and CAN 2522 of 2013

Sumit Baran Ghosh

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 14-06-2013

Acts Referred:

Citation : (2014) 2 CHN 69

Hon'ble Judges : Jyotirmay Bhattacharya, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Jyotirmay Bhattacharya, J.—Section 231 of the West Bengal Municipal Act, 1993 not only permits the owner of a house to take domestic water connection from the municipality but also permits the occupier of any house or land to take domestic water connection from the municipality's source of water. The petitioner herein is an occupier of a residential house at Netaji Subhas Road, ward No. 14 within Sainthia Municipality. The petitioner, as an occupier of the said premises, applied for water connection in the application form which was supplied to Sunil Kumar Ghosh, the owner of the said property, on payment of a sum of Rs. 100/- to the Municipal authority; towards cost of such application form.

2. In column No. 6(a) of the said application form, the petitioner stated that Sunil Kumar Ghosh is the owner of the property. In column No. 6(b), he stated that Sumit Baran Ghosh viz. the petitioner herein is the occupier of the said premises. The said application was signed by Sumit Baran Ghosh. Sunil Kumar Ghosh (owner) gave consent for giving water connection to Sumit Baran Ghosh (occupier) and such consent was recorded in the application form itself. The municipal tax receipt issued in favour of Sunil Kumar Ghosh (owner) was also submitted by the petitioner along with the said application form. Sunil Kumar Ghosh is the recorded owner. The title for Sunil Kumar Ghosh in the said premises is not disputed by the Municipal authority. Sunil Kumar Ghosh himself

certified in the application form that Sumit Baran Ghosh is an occupier of the said premises and he has consented for giving water connection to Sumit Baran Ghosh in the said premises.

3. Under such circumstances, this Court, by keeping in mind the provision contained in section 231 of the West Bengal Municipal Act, 1993, disposes of the writ petition by directing the Municipal authority to give water connection to the said premises concerned within fortnight from the date of compliance of the necessary formalities by the petitioner in this regard.

4. This writ petition is thus, disposed of.

5. Immediately after the delivery of the judgment, Mr. Dutta, learned advocate appearing for the Municipality prays for stay of the operation of the order. Since supply of water to the occupants of any premises within the municipal limit, is the duty of the municipality and since the municipality has failed to discharge and/or carry out its statutory obligation to supply water to the petitioner, which is basic need of a citizen, this Court refuses to stay the operation of the said order.

6. Prayer for stay thus, stands rejected.

7. Since the writ petition itself is disposed of, no further order need be passed on the respondent's application for vacating the interim order.

8. The stay application stands disposed of.

9. Let the supplementary affidavit filed in Court today be kept with the record. Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocate for the petitioner immediately.