

25.11.2020
S/1510
N:22SP151/CL
Ct-1
(Koley/AD)

(Via Video Conference)

WPA 1598 of 2020

Subhra Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

The complaint in this writ petition is about the identification of a place to install a mobile phone tower. According to the petitioners, the proposed site cannot be utilized since, in their view, the installation of the mobile phone tower at that the location will not be conducive to the public health and will pose danger to other aspects including equipments, etc.

The petitioners do not appear and have not also sought for link to join the virtual mode of hearing.

We have perused the pleadings in the light of the materials produced. We have heard Mr. Sayan Sinha, learned Advocate for the State Government. He represents the State respondent nos.1,2,4,5 & 6, in particular.

All that has to be done is that the District Magistrate, North 24-Parganas, being the 4th respondent, looks into the complaint and place the matter for consideration before the appropriate committee or other authority authorized by law to deal with complaints about the location and installation of mobile phone

towers. We are of the view that this, if done, will lead to due discharge of the course of justice. The competent authority will take a final reasoned decision only after affording an opportunity of hearing to the service provider and authorized representative of the petitioners and any other concerned person, by issuing notice to them.

Let that be done by the 4th respondent within a period of four months from the date of receipt a copy of this order along with a copy of this writ petition.

The petitioners are directed to place a copy of this order and a copy of the writ petition before the District Magistrate, North 24-Parganas, being the 4th respondent.

The petitioners will serve a copy of the writ petition on the State within three days from date.

We have not gone into the merits of the case.

Since no affidavits have been called for, the allegations made in the writ petition are deemed not to be admitted by the respondents.

WPA 1598 of 2020 is accordingly disposed of.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)