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21.09.2020.
d.p.

**W.P.A. 6936 of 2020
(IA No.CAN 1 of 2020)**

(Through Video Conference)

**Tower Vision India Pvt. Ltd.
-versus
State of West Bengal & Ors.**

**Mr. Anubhav Sinha,
Ms. Pallavi Ray.
...For the Petitioner.**

**Mr. Raja Saha,
Ms. Tanusri Chanda.
...For the State.**

The petitioner intends to set up a roof top tower at Uttarayan, Amrai under Ward No. 12 of the Durgapur Municipal Corporation. Necessary permission for the same has been obtained by the petitioner from the Durgapur Municipal Corporation.

The petitioner alleges that in spite of the necessary permission the roof top tower cannot be installed in view of the agitation by the local people.

The petitioner had made an application before the police with a request to extend support for erection of the said tower by a letter dated 14th February, 2020.

The petitioner alleges that the tower is yet to be erected, as the police is not extending the necessary cooperation.

The petitioner has relied upon an unreported order dated 11th April, 2019 passed by a learned Single

Judge of this court in W.P. No. 7579 (W) of 2019 (Mokaddes Ahmed -vs- State of West Bengal & Ors.) wherein the Court directed the police to ensure that there was no breach of peace during the construction of the mobile tower.

The learned advocate appearing for the State respondents submits that in the pandemic situation allotment of police force may evoke further agitation from the local people.

As it appears that necessary permission has been issued by the Durgapur Municipal Corporation for setting up of the tower, the petitioner shall be entitled to set up the tower, strictly in accordance with all the permissions granted in its favour by the respective authorities.

In the event there is any agitation in the locale, the respondent No. 3 being the Officer-in-Charge, Durgapur Main, I.C. Waria, West Bengal shall take necessary steps to ensure that there is no breach of peace at the time of construction of the roof top tower at the aforesaid premises.

The petitioner shall also ensure that the Covid protocol is strictly followed at the time of erection of the tower.

W.P.A. 6936 of 2020 and CAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Amrita Sinha, J.)