

S/L . 21
1.9. 2021
Court. No. 19
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WPA 4512 of 2020

Sri Priyatosh Samanta
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Pankaj Halder
Mr. Bibekananda Tripathy ...for the Petitioner

Mr. Ziaul Islam
Mr. A.H. Molla ..for the State

Let affidavit of service be taken on record.

The petitioner claims to be a owner of 2500 sq ft. of land situated at Plot No. 271, Mouza Babupur, J.L. No. 18, L.R. Khatian No. 195, P.S. Sutahata within Kukrahati Gram Panchayat, District Purba Medinipure.

According to the petitioner, once the Panchayat authorities had granted permission for installation of mobile tower by Reliance JIO, subsequent revocation of the permissions by the Pradhan without granting any opportunity of hearing to the concerned parties was illegal, mala fide and in violation of the principles of natural justice.

The records reveal that a communication dated February 4, 2020 was sent to the Manager, Reliance JIO Infocom Limited, from which it appears that the panchayat

authorities had permitted construction of the mobile tower on any other plot of land.

The Mobile Company is not before this Court. It does not appear that they are aggrieved. It also does not appear that the mobile company has instructed the petitioner to approach this Court challenging the decision of the gram panchayat. Moreover, it appears that the petitioner has leased out the said land to Reliance JIO for a period of 30 years. It is not the case of the petitioner that on the basis of such communication, Reliance JIO has not complied with the obligations under the deed of lease.

Thus, in my opinion, the petitioner does not have any locus to maintain the writ petition. If there are any private issue between the Reliance JIO and the petitioner with regard to deed of lease of the land or with regard to the construction of mobile tower, the jurisdiction of this Court cannot be invoked.

Under such circumstances, this writ petition is dismissed.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)