

11.11.2021
Court No. 19
Item no.18
CP

WPA 13841 of 2021

Rupraj Biswas

Vs.

The Chairperson, Jhargram Municipality & ors.

Ms. Alotriya Mukherjee

.....for the petitioner.

Mr. Santanu Mitra

Mr. Rama Haldar

....for the State.

The petitioner was directed to add the mobile tower company, i.e., the lessee of the petitioner, as a respondent. Copy has been served upon the said added respondent. But none appears on behalf of the said respondent. None appears on behalf of the municipal authorities either.

The contention of the petitioner is that the municipal authorities have not granted permission to the mobile company to install the tower on the land of the petitioner.

The petitioner is the plot owner and does not have any nexus with the erection of the mobile tower by the mobile tower company or with the non-grant of permission for installation of the tower by the lessee/mobile company. The actual aggrieved party,

i.e., the mobile company has not challenged the decision of the municipality or the inaction of the municipality.

Thus, I do not find that the petitioner has any locus to maintain this writ petition praying for a mandamus upon the municipal authorities to grant permission for installation of the mobile tower by the mobile company when the mobile tower company itself is not interested in the matter. This is an indirect way of enforcing the lease agreement with the company

This order shall not prevent the petitioner from taking appropriate action as permitted by law against the mobile company which, according to the petitioner, has caused certain damage to the property in question.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)