

Item No. 34

14.01.2021
Ct-24

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

WPA No. 14318 of 2019
Md. Faruk Zaman Mondal & Anr.
v.
The State of West Bengal & Ors.

Mr. Rasamoy Mondal
Mr. Manaj Kumar Roy
... for the petitioners.

Mr. Raja Saha
Mr. Amit Kumar Ghosh
... for the State.

None appears on behalf of the Panchayat.

The petitioners applied before the Guma-II Gram Panchayat for installation of mobile towers. It appears that a communication was made by the Prodhan of the said panchayat on November 16, 2018 directing the petitioners to pay a sum of Rs. 80,000/- only on account of development fees of the panchayat and Rs. 20,000/- on account of construction of the tower.

According to the aforesaid direction the petitioners prepared a cheque of Rs. 1,00,000/- only and intended to deposit in the name of the Prodhan of the Guma-II Gram Panchayat.

The petitioners submit that the Panchayat Authority was reluctant to accept the said cheque. The petitioners thereafter made representation before the

Panchayat, the Prodhan and before the District Panchayat & Rural Development Officer by letters of diverse date. The petitioners complain that none of their representations have been considered by the respondent authorities till date.

As it appears that the prayer of the petitioners for construction of the mobile tower is pending consideration at the end of the Panchayat Authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4 to take steps in accordance with law for consideration of the petitioners' prayer for setting up of mobile tower after giving them an opportunity of hearing, within eight weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

WPA No. 14318 of 2019 stands disposed of.

Affidavit-of-service filed in the Court today be kept with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)