

05.10.2021
Sl. No.6
srm

W.P.A. No. 16535 of 2021

Amit Kumar Naskar & Ors.

Versus

The State of West Bengal & Ors.

Mr. S. Chatterjee,
Mr. Nepesh Majhi

... for the Petitioners.

Mr. Raja Saha,
Mr. Shamim ul Bari

... for the State-respondents.

Mrs. Rama Ghosh Dastidar

...for the UOI.

Despite service none appears on behalf of the State-respondents. Affidavit of service is taken on record.

Mr. Raja Saha, learned Advocate, who is present in Court and usually appears in such matters, is requested by the Court to accept service on behalf of the State-respondents with a junior of his choice. Let their appointments be regularised.

It appears that the Panchayat authorities had objected to construction of a mobile tower which was proposed to be set up by Jio Infratel Private Limited, the respondent No.8. It also appears that the Pradhan of Bonohooghly-I Gram Panchayat, had called a meeting and had passed an order that the mobile tower should not be constructed in the area proposed by the

mobile tower company as the same was a busy area having schools, nearby.

It is submitted that despite such decision of the Pradhan, the construction of the mobile tower is going on and the Panchayat authorities have not acted on the basis of the earlier decision.

Reliance is also placed on a statutory circular dated September 6, 2010, from which it appears that if the guidelines are not followed by the mobile tower company, the police authorities can also intervene in the matter and take steps in accordance with law.

Admittedly, the Pradhan was of the opinion that the location was not suitable for construction of a mobile tower. The respondent No.8 was present at the meeting. At this juncture, it is difficult to ascertain whether the construction has been removed or is still being carried on in the absence of the representatives of the Panchayat authorities and the respondent No.8, who are not before this Court despite service.

Thus, this Court has no other alternative but to dispose of this writ petition by directing the Block Development Officer, Sonarpur to take immediate steps and make an enquiry through the Panchayat authorities with regard to the allegations of the petitioners. If it is found that the mobile tower is being constructed despite the decision of the Pradhan, then immediate

steps shall be taken in accordance with law upon giving an opportunity of hearing to all the interested parties.

This Court has not expressed any view on the merits of the case and the appropriate authority shall take a decision with regard to the issue.

The petitioners shall serve a copy of this writ petition along with a server copy of this order upon the Block Development Officer, Sonarpur to enable the authority to take steps for compliance of this order.

This writ petition is, thus, disposed of.

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

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

(Shampa Sarkar, J.)