

Ct. 05
Item No.38
14.02.2022
(suvendu)

WPA 843 of 2022

[Via Video Conference]

**Pradyut Kumar Ruj @ Pradyut Ruj & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Samim Ahammed
Mr. Arka Maiti

.....for the petitioner

Mr. T.M.Siddiqui
Mr. Nilotpal Chatterjee
Mr. Avisek Prasad

.....for the State

Mr. Tridib Bose

.....for the respondent no.8

The petitioners seek to present their grievance before the District Magistrate, Birbhum against construction of a Mobile Tower by the respondent no.8.

The District Magistrate is the proper authority under Rule 4(b) of the guidelines issued by the Department of Information Technology and Electronics on 28th December, 2020 in relation to clearance and permission for setting up Mobile Towers.

It appears from the documents that a representation was made to the concerned District Magistrate by the petitioner on 27th December, 2021 but the District Magistrate has not taken any step in pursuance thereto. A Junior High School had also by its letter dated 17th December, 2021 written to the

District Magistrate against construction of the Mobile Tower but that has also not been responded to.

The Recommendations in the Report on Cell Phone Towers Radiation Hazards contain a direction that Mobile Towers should not be installed within 50 meters from Schools or Hospitals and new towers should be located 50 meters away from School and Hospital buildings. The Recommendations further include that existing tower should be relocated within a year if they contravene Recommendation 9 of the Report.

It is inconceivable that the District Magistrate has sat on the representation as well as complaint made by the School till date.

WPA 843 of 2022 is accordingly disposed of with a direction on the District Magistrate, Birbhum to dispose of the representation made by the petitioner within two weeks from the date of communication of this order. The District Magistrate shall hear all concerned parties including the petitioner and pass a reasoned order within the directed timeframe and a copy of such reasoned order shall be made available to the petitioner within a week from the date on which such reasoned order is passed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)