

48 22.04.2022  
NB Ct. 25

**WPA 10447 of 2021**

Biswajit Mondal  
Vs.  
The State of West Bengal & Ors.

Mr. Soumalya Ganguli,  
Mr. Debmalya Ganguli.  
...for the petitioner.

Mr. Tapan Kumar Roy.  
....for the State.

Affidavit of service filed in Court today is taken on record.

The grievance of the petitioner is that the Shyamsundar Gram Panchayat has not granted permission for installation of an internet tower on the rooftop of the petitioner's building.

Pursuant to the order dated 21<sup>st</sup> March, 2022, the petitioner has served a notice upon the Pradhan of Shyamsundar Gram Panchayat. In spite of notice, none appears on behalf of the Pradhan of the concerned Gram Panchayat.

It appears from the materials on record that the Pradhan of the concerned Gram Panchayat asked the petitioner to deposit a sum of Rs.25,000/- (rupees twenty five thousand only) as development charges and Rs.3,500/- (rupees three thousand five hundred only) as yearly tax fees for installation of the tower.

Since the said amount was not deposited in terms of the said demand note dated February 15, 2019, permission for installation of the mobile tower was revoked by a letter dated May 3, 2019. Subsequently, the petitioner forwarded a cheque for the sum of Rs.28,500/- (rupees twenty eight thousand five hundred only) on account of development charges and fees for yearly tax and requested the Pradhan to grant permission for installation of

the mobile tower. The petitioner alleges that in spite of the said representation being made, the Panchayat authority has not taken any steps for granting permission in that regard.

Learned advocate for the State submits that since the petitioner did not pay the requisite charges and fees within the time allowed by the concerned Gram Panchayat, the permission for installation of the tower was revoked and the cheque was returned to the petitioner.

Having heard the learned advocates for the parties and after considering the materials on record, this Court is of the view that interest of justice would be subserved if the Pradhan of the concerned Shyamsundar Gram Panchayat is directed to consider the representation dated March 9, 2021 after affording an opportunity of hearing to the petitioner and by passing a reasoned decision, which shall be communicated to the petitioner immediately thereafter. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

Needless to mention that it will be open to the Panchayat authority to raise a demand for payment of requisite fees and charges for installation of the tower in accordance with law.

With the above direction, WPA 10447 of 2021 is disposed of without any order as to costs.

Urgent photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

**(Hiranmay Bhattacharyya, J.)**

