

21.06.2022
Court No. 19
Item no.100
CP

W.P.A. No. 16719 of 2021

Sumit Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Tapash K. Bhattacharya
Mr. Aviroop Bhattacharya
Mr. Bishnu Prosad Singha Roy

....for the petitioner.

Affidavit of service is taken on record.

The petitioner is the proposed lessor of M/s
Reliance Jio Infratel Pvt. Ltd., respondent no. 8
herein.

The allegation is that although the police
authorities all over West Bengal were directed to
provide police protection to the respondent no. 8
when mobile towers of the said service provider were
being installed, the Inspector-in-charge, Kotwali
Police Station, Krishnanagar, Nadia failed and
neglected to provide such protection to the
respondent no. 8.

Surprisingly, the respondent no. 8 is not
aggrieved. The petitioner is the land owner and the
respondent no. 8 had entered into a contract with the
petitioner to lease out the land for construction of the
tower, upon payment of lease rent.

It appears that the respondent no. 8 had not gone ahead with the terms of the agreement. The tower has not yet been installed on the petitioner's land.

The petitioner is not getting the lease rent. Thus, the petitioner submits that as the police authorities have not given protection to the respondent no. 8, the tower has not been constructed. As a result of which, the petitioner is suffering losses.

It is the specific case of the petitioner that the local club had obstructed the respondent no. 8 from installing the mobile tower.

When the respondent no. 8 did not have any complaint either against the local club or against the police authorities, the petitioner does not have any locus to move this writ petition. The writ petition is misconceived. The petitioner is trying to enforce the contract which the petitioner had entered into with the respondent no. 8.

Remedy of the petitioner, if any, against the respondent no. 8 is before a civil court.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)