

S/L 12
9.3.2022
Court. No. 19
sn

W.P.A. 19671 of 2021

Sk. Salauddin & Ors.
VS
The Bidhannagar Municipal Corporation & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar ... for the Petitioners

Mr. Swarup Banerjee
Mr. A. Chatterjee
Mr. S.K. Ghosh
... for the respondent no.6

Mr. Debabrata Saha Roy
Mr. Arka Kr. Nag
Mr. Subhankar Das
..for the B.M. C.

The pleadings in this writ petition, does not persuade the Court to invoke its writ jurisdiction. The allegation is that some appliances which are necessary for installation of the mobile tower have been installed at Hatiara Purbapara, Sahee Masjid in LR Dag Nos. 650 and 561 in Ward no.13, under the Bidhannagar Municipal Corporation.

The petitioners are some of the residents of the area. The allegation is that the local people as also the Masjid committee apprehend accidents and loss of lives in the event the building and the tower collapse.

The writ petition is based on apprehension. The service provider is not a party. There has been no accident so far. Moreover, the law does not prevent installation of mobile towers if requisite permissions

are given by the competent authorities. The writ petition does not merit any consideration and is disposed of without any order. If the Corporation receives any complain that the said tower has been installed by the service provider illegally and without proper permission, the Corporation shall take into consideration the same upon hearing the parties including the service provider. In the absence of any pleading in this writ petition, the Court cannot pass any mandatory order.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)