

WPA(P) 364 of 2021

**Sri Alok Barman
Vs.
The Area Manager (Alipore), B.S.N.L. & Ors.**

Mr. Nitai Ch. Saha

... .. for the petitioner

Mr. Dipak Das

... .. for the respondent nos. 1 to 4

Mr. Alak Kumar Ghosh

Mr. Arijit Dey

... .. for the KMC

This public interest petition has been filed by the petitioner seeking a direction to the respondent BSNL authority as also the Kolkata Municipal Corporation to ensure removal of the tower erected by BSNL from the premises no.29, Sahapur Main Road, Kolkata.

The submission of learned counsel for the petitioner is that the petitioner is the developer of the building on which the tower has been installed and that a 15 years lease agreement was executed between the petitioner and BSNL for installation of the tower and the tower is unused, therefore it is required to be removed.

The report in the form of affidavit on behalf of respondent no.5 has been filed stating that the tax dues of a sum of ₹ 32,40,296/- are outstanding against the petitioner and two other persons namely, Dilip Mazumder and Laltu Mazumder in respect of the premises in question and the submission of learned counsel for the respondent no.5 is that to avoid the said liability the present petition has been filed.

Be that as it may, a perusal of the petition reveals that the petitioner has filed the petition espousing the personal cause in the garb of public interest petition which is not permissible.

Hence, the writ petition is dismissed, however, with liberty to the petitioner to avail such other remedies as are available in law.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)