

09-02-2023
ct no. 13
Sl.10
sp

WPA 2755 of 2022

Dilip Maity

-Versus-

The State of West Bengal & Ors.

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar

... for the petitioner

Mr. P. Bhattacharjee

...for the respondent nos. 6 to 16

The writ petitioner complains that the private respondents are obstructing installation of a mobile tower on his premises.

The petitioner has entered into an agreement with M/s. Reliance Jio Infocomm Ltd. for installation of the said mobile tower.

The private respondents are represented. It is submitted that in a mass representation to the concerned Gram Panchayat, local residents have expressed health concerns over the installation of the reliance tower since there is already another tower in the vicinity installed by M/s. Vodafone Ltd.

It appears from the records that the company may have taken permission from the local Panchayat. There are a large number of other NOCs and Certificates required to be obtained by the service provider M/s. Reliance Jio Infocomm Ltd. from various local authorities. Since the private

respondents have otherwise no objection, if the Government and all other stakeholders have issued permission to M/s. Reliance Jio Infocomm Ltd. for setting up of a mobile tower, there is no other reason for no-allowing the installation of such mobile tower.

The Jagatballavpur Police Station shall, upon being satisfied with the documents of M/s. Reliance Jio Infocomm, extend all cooperation and security for the purpose of installation of the aforesaid mobile tower at the petitioner's location.

In the event, it is found that there are still health hazards or if any required permission have not been obtained, the private respondents have liberty to approach the appropriate forum, to agitate their grievances in this regard.

The Jagatballavpur Police Station shall also enforce any orders that may be passed by any authority in respect of the mobile tower.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)