

01.05.2023

Item No.3

Ct. No.1

PG/KS

W.P.A.(P) 167 of 2023

Sri Soumen Das & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Satyajit Mandal
Mr. Amit Bikram Mahata
Mr. Shouvik Naskar

.....for the Petitioners

Mr. Jahar Lal De
Mr. Shamim Ul Bari

.....for the State

Mr. S. M. Hassan
Ms. Anupama Yasmin

.....for the Haldia Municipality

1. By this writ petition, the petitioners seek for a direction upon the District Magistrate, Purba Medinipore to consider their representation dated 28th February, 2023 objecting to erection of a mobile phone tower.
2. The contention of the petitioners is that the property being an undivided property with several owners, without obtaining consent of the owners, mobile phone tower cannot be erected. That apart, the residents of the locality numbering about 50 have also signed the representation stating that the tower is hardly 20 meters away

from the residential area and it may affect the local public.

3. So far as the issue relating to radiation from the mobile phone tower etc., the law has been settled that those are all issues, which are mere apprehension. However, the other grievance stating that the plot-in-question is an undivided property and there are several owners, is a matter, which requires to be considered.
4. Accordingly, we direct the second respondent viz. the District Magistrate, Purba Medinipore to consider the representation given by the petitioners after issuing notice to the first writ petitioner as well as the 5th respondent company and the 8th respondent and after hearing the parties, the appropriate orders be passed on merits and in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date receipt of server copy of this order.
5. It is made clear that we have not gone into the merits of the matter and it is open to the District Magistrate, Purba Medinipore to consider the

correctness of the grievances expressed by the writ petitioners.

6. There shall be no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)