

08 25.04.2023
AN Ct. No. 01
RP

WPA (P) 174 of 2023

Kamal Mahapatra & ors.
Vs.
The State of West Bengal & Ors.

Mr. Kapil Chandra Sahoo

... For the Petitioner

Mr. Nilotpal Chatterjee
Mr. Amritlal Chatterjee

... For the State

Mr. N. C. Bihani
Mrs. Papiya Banerjee Bihani

... For the WBPCB

1. The petitioners states that the 11th respondent is attempting to erect a mobile tower in his property without obtaining requisite permission. The law on the subject is well settled and it has been held that the TRAI does not grant any permission for erection of the mobile tower. It is not clear where there is any private dispute between the petitioner and the 11th respondent, in any event, limited issues can be gone into by the District Magistrate.

2. Therefore, we **dispose of** this writ petition by directing the 11th respondent or the Telecom Company to approach the District Magistrate for necessary permission or approval and thereafter proceed to erect the mobile tower.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)

