

06.06.2023
Item No.13
gd/ssd

WPA(P)/255/2023
PRASANTA KUMAR SAHA AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tanmay Basu,
Mr. Manoj Adak
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. Sandip Kumar Bhattacharyya,
Mr. Suman Basu
..for Chandannagore
Municipal Corporation.

Mr. Raqhul Poddar,
Mr. V.V.V. Sastry
..for Reliance Jio Infocom.

1. This public interest litigation has been filed by 141 petitioners alleging that the municipality after issuing the stop work notice has allowed the mobile tower company to install the mobile tower at the roof top of the building of the private respondent.

2. It appears from the records that the municipality issued stop work notice on June 28, 2019 directing the private respondent and the mobile tower company i.e. the 10th respondent not to carry on with the installation work.

3. However, Mr. Bhattacharyya, learned advocate representing the municipality submits that pursuant to the said notice, the private respondent as

well as the mobile tower company appeared before the municipality and produced documents in support of their right to install the mobile tower on the roof top of the building in question and the municipality thereafter allowed such installation work.

4. However, the fact remains that such decision was not communicated to the writ petitioners.

5. Accordingly, the writ petition is disposed of by directing the Commissioner of Chandernagore Municipal Corporation, being the 2nd respondent, to communicate his decision to the petitioner no.1 with regard to the action taken pursuant to the stop work notice issued on June 28, 2019 within a period of one week from the date of receipt of a server copy of this order.

6. Since this writ petition has been disposed of without calling for any affidavits, the allegations contained in the writ petition shall not be deemed to have been admitted.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

