

Item No.38(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

07.02.2023
Ct-24

WPA 17353 of 2021
Md. Haj Eunus @ Md. Haj Eunus Mia
v.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Arghya Kumar Das
... for the petitioner.

The petitioner submits that M/s. Dishnet Wireless Limited was a lessee of the subject property and the said Deed of Lease executed by and between the petitioner and the lessee M/s. Dishnet Wireless Limited expired in the year 2020. In terms of the agreement of lease, the lessee was supposed to hand over the property to the petitioner being the lessor after removing and dismantling all equipment and other installation set up by the lessee.

It has been submitted that the mobile tower set up by the lessee is non-functional at the moment. The petitioner seeks removal of the said tower.

From the averments made in the writ petition and the documents annexed thereto it appears that the dispute in question is an absolute private dispute in between the lessor being the petitioner and the lessee being the service provider. The said service provider has not been impleaded as a party in the present proceeding.

The petitioner will be at liberty to take appropriate steps against the service provider for non-compliance of the conditions mentioned in the agreement of lease.

No further relief can be granted to the petitioner in the present writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)