

Item No. 226(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

25.01.2023
Ct-24

WPA 21040 of 2021
Sri Jyotirmoy Ghosh
v.
Kolkata Municipal Corporation & Ors.

Mr. Gopal Chandra Ghosh
... for the petitioner.

None appears on behalf of the respondents despite service.

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains that the private respondent installed a huge and heavy mobile tower approximately 45 to 55 feet on a small roof of premises no. 12, Jagat Roy Choudhury Road, Ward No. 126, Borough- XVI, KMC, South Suburban Unit, Barisha.

According to the petitioner, the said mobile tower is a continuous source of sound and high radiation causing health hazards.

The petitioner lodged objections before the various authorities of the Kolkata Municipal Corporation. None of the objections have been considered till date.

As the respondents are not represented, the matter cannot be conclusively decided by the Court.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer (C)/Building, Borough-XVI being the respondent no. 3

herein to take steps for consideration of the legal representation made on behalf of the petitioner on April 19, 2021 in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

The concerned Executive Engineer shall take a decision in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate representing the petitioner is directed to forward a copy of the legal representation dated April 19, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Sh

(Amrita Sinha, J.)