

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 979 of 2023

Sushanta Mallik
-versus
The State of West Bengal & Ors.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
... For the petitioner.

Mr. Hirak Barman
Ms. Bedashruti Bose
... For the State.

Mr. Sandip Guha Roy
...For the respondent nos. 3 and 4.

The case of the petitioner is that the respondent nos. 3 and 4 has granted permission for erection of a mobile tower in their plot of land. The petitioner, being a resident of the said locality had made a complaint to the Block Development Officer, along with others, on 14th February, 2022, objecting to the construction of the mobile tower.

No legal right to object to the construction of the mobile tower at the premises of the respondent nos. 3 and 4 has been shown by the petitioner. The complaint was also made more than a year before filing of the writ petition and as such it is not clear at this stage whether the mobile tower has been completely erected or not.

The writ petition is devoid of merits and is accordingly dismissed.

Dismissal of the writ petition, however, will not prevent the petitioner from making a complaint to the competent authority, if the mobile tower is being erected or having been erected at the premises of the respondent nos. 3 and 4 without complying with the statutory requirements.

(Arindam Mukherjee, J.)