

29.02.2024
Item No.15
gd/ssd

WPA(P)/76/2024
ARUP RATAN GHOSH AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Probal Das,
Ms. Madhumita Patra,
Mr. Narayan Biswas
..for the Petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State.

Mr. Suprio Ray Choudhury,
Mr. Sankar Ghosh
..for the Respondent No.5.

Mr. Sunil Kumar Gupta
..for the Respondent No.7.

Mr. Utpal Maitra,
Mr. Rajsekhar Basu
..for the Respondent No.8.

1. By way of this public interest litigation the petitioners object to erection of a mobile tower by the private respondent, namely, the 7th respondent alleging various illegalities.

2. As pointed out by the learned advocate appearing for the 7th respondent, there is a regulation in place called the West Bengal Telecom Infrastructure Guidelines, 2020 for clearance and permission to set up mobile tower or base tower station and laying optical fibre cable.

3. The learned Government counsel submitted that any aggrieved person would be entitled to approach the District Level Committee which is headed

by the District Magistrate of the concerned district by way of a complaint which will be examined on merits.

4. Considering the allegations made in the writ petition since much of the facts are being disputed, this issue cannot be adjudicated in a writ petition based on affidavits.

5. Therefore, we grant liberty to the petitioners to file an application before the District Level Committee constituted for such purpose under the 2020 Guidelines for North 24-Parganas district along with the copy of this order and on receipt of the representation, the District Level Committee shall examine the same after notice to the petitioners as well as the Barasat Municipality and the 7th respondent/Indus Towers Limited as well as the 8th respondent which is said to be a club in which premises the tower is proposed to be erected.

6. The above direction be complied with within a period of three weeks from the date of receipt of the representation before the District Level Committee.

7. With the above direction, this petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)