

07.03.2024
Item No.18
gd/ssd

WPA(P)/100/2024
SANTANU NASKAR
VS
STATE OF WEST BENGAL AND ORS.

Mr. A. Chakraborty,
Mr. Anindya Sundar Das,
Mr. Ratul Deb Banerjee,
Ms. Priya Nayak
..for the Petitioner.

Mr. Jahar Lal Dey,
Mr. Suman De
..for the State.

Dr. Madhu Sudan Saha Ray
..for the Respondent No.4.

Mr. Mir Anuruzzaman
..for the Respondent No.6.

Mr. V.V.V. Sastry,
Mr. Debargha Basu
..for the Respondent No.7.

Mr. Pratip Kumar Chatterjee
..for the Respondent No.10.

1. This is a public interest writ petition where a prayer has been made to demolish a mobile tower.

2. The learned advocate appearing for the 10th respondent which is a club has raised the serious objection as regards the bona fides of the petitioner to file this writ petition as a public interest litigant.

3. It is submitted that the petitioner made an attempt to grab the land owned by the club. Thereafter a criminal case was lodged by the petitioner against the club and its members which was quashed by this court

and, therefore, it is submitted that the writ petitioner absolutely lacks bona fide.

4. The learned advocate for the mobile tower company submits that all approvals have been obtained and the tower is functional and there is not even a single whisper or allegation that there is unauthorized radiation from the tower.

5. In any event, considering the fact that there has been previous animosity between the petitioner and the 10th respondent, we cannot entertain this writ petition. However, if any person is aggrieved, efficacious remedy under the provisions of the West Bengal Telecom Infrastructure Guidelines, 2023 which can be availed off.

6. With the above observation, the writ petition is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)