

13th February,
2024
(AK)
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W.P.A 23469 of 2022

Biswanath Mondal and another
Vs.
Union of India and others

Mr. Suddhadev Adak
Ms. Richa Pramanik

...for the petitioners.

1. The petitioners are the residents of a particular locality where the private respondent-Company installed a mobile tower, thereby allegedly polluting the environment, creating health hazards, as well as encroaching upon the property of the petitioners and disconnecting the petitioners' water supply etc..
2. When the petitioners complained before the Durgapur Municipal Corporation, the said Corporation wrote to the Tower Vision India Private Limited, that is, the private respondent, asking the latter to furnish all necessary documents regarding installation of the mobile tower, which was blatantly violated by the private respondent.
3. Thereafter the petitioners wrote to the SDM (Durgapur), respondent no.4 herein, to take appropriate steps in the matter of disconnection and dismantling of mobile tower installed in the

populated residential area allegedly causing damage and hazard to health and environment.

4. However, no steps have been taken thereupon by the SDM, prompting the present writ petition.
5. Despite service, none appears for the respondents.
6. In view of the innocuous prayer, further notice is not directed.
7. WPA 23469 of 2022 is disposed of by directing the respondent no.4, that is, the Sub-Divisional Magistrate, Durgapur Sub-Division to give an opportunity of hearing to the petitioners as well as the private respondent and all concerned and decide the “mass” application annexed at page-91 of the writ petition in accordance with law.
8. The SDM shall thereafter take appropriate steps if the mobile tower-in-question is been found to have been installed in contravention of any law and/or rights of the petitioners whatsoever.
9. Such entire exercise shall be completed by the respondent no.4 as expeditiously as possible, positively within March 31, 2024.
10. The petitioners shall immediately communicate this order to the respondent no.4 who shall act on the server copy of the same for the purpose of compliance.
11. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)