

04.01.2024
Item No.19
RP/KC
Ct. No.1

WPA(P) 626 of 2023

**Niladri Mukherjee & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Aniruddha Singh
.....for the petitioners
Mr. Somnath Ganguly
Ms. Priyamvada Singh
.....for the State
Mr. Atish Ghosh
Ms. Antara Dey
..... for respondent no.8
Mr. Tanmoy Seth
Mr. Sanjay Chattopadhyay
..... for the respondent no.7
Mr. Triptimoy Talukdar
..... Konnagar Municipality

1. By way of filing this public interest litigation the petitioners allege that the private respondents are illegally installing a mobile tower on the roof of a public school. Konnagar Municipality after taking note of the mass representation by order dated 13.07.2021 has directed to stop construction of the tower. The petitioners would now state that construction has begun. The entity, which is putting up the said tower, is not a party to the writ petition and the Bharati Airtel, the eighth respondent is present who had erected the antenna. A mass petition over the selfsame matter has been submitted to the District Magistrate at Hooghly and

the matter is now pending before the authority. Therefore, we direct the District Magistrate to consider the representation of the petitioners and direct one of his officer to cause a surprise inspection of the area, call for a report from the fifth respondent/municipality and after notice to the 8th respondent as well as Indus Tower, who are the persons put up the tower and take appropriate action in accordance with law. This direction be complied with within a period of three weeks from receipt of the server copy of this order.

2. In the result, the writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)