

18-02-2025  
Item No.18  
**Subrata**  
**Bhattacharyya**  
**AR(C)**

**IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
Appellate Side

**WPA No.2810 of 2025**  
**Basanti Debi Ganguly Foundation & Ors.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Sharanya Chatterjee  
Ms. Riya Kundu ...for the petitioners

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

Mr. Soumya Mukherjee ...for WBPCB

Mr. Uttiya Roy  
Mr. Asutosh Pal ...for the municipality

Mr. Arindam Chandra  
Mr. Atish Ghosh ...for the private respondent

1. As many as nineteen petitioners are apprehensive that a mobile tower may be set up by the side of their old-age home without following the relevant guidelines. A complaint has been addressed to the District Magistrate in January 2025. The same is yet to be considered by the authority.
2. Learned counsel for the service provider submits that an application has been made for obtaining permission for setting up of the mobile tower. No decision has yet been taken by the competent authority permitting the service provider to set up the mobile tower.
3. Learned counsel for Bolpur Municipality submits that fees was collected for according approval to the erection of the new telecom tower, but thereafter the same was withdrawn and a further

notice was issued to the service provider on 29<sup>th</sup> January, 2025 to stop any type of construction work of the new telecom tower.

4. In the aforesaid facts and circumstances, the instant writ petition is disposed of directing the concerned District Magistrate to consider the objection filed by the petitioners in accordance with law and in line with the West Bengal Telecom Infrastructure Guidelines, 2023, after giving a reasonable opportunity of hearing to all the necessary parties and by passing a reasoned decision at the earliest.
5. From a copy of the writ petition it appears that there is no proof of service of the complaint upon the District Magistrate. Accordingly, the petitioners are directed to serve a copy of their representation to the District Magistrate along with all relevant documents in support of their prayer at the time of communicating this order.
6. It is made clear that this court has not entered into the merits of the writ petition and all points are left open to be considered by the District Magistrate at the time of consideration of the petitioners' representation.
7. The District Magistrate shall ensure that till proper permission is allowed in favour of the service provider, the mobile tower is not constructed.
8. Copy of the stop-work notice dated January 29, 2025 issued by the municipality in court be taken on record.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

