

WPA(P) 106 of 2025
AJOY KOLEY AND ORS
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Manoj Kr. Roy, Adv.
...For the Petitioners

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas, Adv.
...For the State-Respondent

Ms. Juin Dutta Chakraborty, Adv.
Mr. Debasish Kundu, Adv.
Mr. Bidan Modak, Adv.
Ms. Arpita Kundu, Adv.
...For the Respondent No.15

Mr. Sunil Gupta, Adv.
...For the Respondent No.16
Mr. M. Moitra, Adv.
...For the W.B.P.C.B.

1. Affidavit-of-service filed by the learned advocate appearing for the petitioner is taken on record.
2. The petitioner has filed this Public Interest Litigation alleging that the 16th Respondent has installed a mobile phone tower in the property owned by 15th respondent which is located in the densely populated area and it will cause a lot of hazards to the general public. It is submitted that a mass petition has been given to the authority but no action has been initiated. The Block Development Officer, Chanditala II Development Block, Chanditala, Hooghly, has given a written instruction to the learned Government Pleader vide Memo dated 24th March, 2025, in which it has been stated that the parties have been advised to

amicably settle the matter and that there is no scientific base for this kind of health hazard due to installation of the mobile tower.

3. The learned advocate appearing for the 16th respondent has raised a preliminary objection with regard to maintainability of the writ petition by pointing out that in terms of the relevant guidelines, namely, the West Bengal Telecom Infrastructure Guidelines, 2023, a district level committee headed by the District Magistrate has been constituted to address such complaints and without approaching the said authorities the petitioner could not have approached this court by way of a Public Interest Litigation. In this regard, the order dated 29th February, 2024, passed in WPA (P) 76 of 2024 has been relied upon. The representation submitted by the villagers has been taken note of by the Revenue authority and they have also stated that there is no scientific base for this kind of health hazard as made in the writ petition. In any event, the West Bengal Telecom Infrastructure Guidelines, 2023 is the guidelines for clearance and permission to set up mobile tower or base tower station and laying optical fibre cable. The said guidelines are the redressal mechanism for the aggrieved person. Therefore, the petitioners should first approach the District Level Committee as constituted in terms of the said

guidelines and ventilate grievance before the said committee.

4. The writ petition is disposed of giving liberty to the petitioners to approach the District Level Committed constituted under the provisions of the West Bengal Telecom Infrastructure Guidelines, 2023 and if the same is filed the committee shall consider the representation and shall proceed to take action in accordance with law.
5. With the above observation, the writ petition is disposed of.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(T.S. Sivagnanam)
Chief Justice

[Chaitali Chatterjee (Das), J.]