

17.04.2025
Item No.42
gd/ssd

WPA(P)/128/2025
PRASENJIT CHAKRABORTY AND ORS.
VS
UNION OF INDIA AND ORS.

Mr. Anindya Bose,
Mr. Krishan Ray,
Mr. Pronojit Roy,
Ms. Isita Kundu
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Shamim ul Bari
..for the State.

Mr. Arindam Chandra,
Ms. Susmita Das
..for the Respondent No.11.

1. The petitioners along with other villagers allege that a mobile tower installed by the respondent no.11 is illegal and improper and the same has to be dismantled.

2. The petitioners are aware that the State of West Bengal has formulated a guideline called as West Bengal Telecom Infrastructure Guidelines, 2023 under which various procedures have been established for extending permission for clearance and permission to set up or renewal of Telecom Infrastructure Deployment, namely, set up mobile communication tower, laying optical fibre cable, cell on wheels and in building solution etc.

3. In terms of the said guideline, there is a District Level Committee (DLC) which will facilitate and

supervise the permission to grant/allow or reject the application seeking permission subject to condition, to set up telecom infrastructure in the district and the said DLC is also solely responsible for granting NOC and shall keep the State Level Clearance Committee and the State Level Appellate Authority abreast of regular developments.

4. The petitioners have given a mass petition to all the authorities including the District Magistrate and in terms of the guidelines the Chairman of the District Level Committee is the District Magistrate.

5. In the light of the above, the representation submitted by the petitioners dated 20.02.2025 to the District Magistrate shall be placed before the District Level Committee which shall be scrutinised and if the same merits consideration, then notice shall be issued to the petitioners as well as the private respondent namely, the 11th respondent and also Mr. Rabilochan Ghosh son of late Montu Ghosh, who has been shown as proforma respondent, who is the owner of the property on which the mobile tower has been established.

6. Thereafter after conducting an enquiry the District Level Committee shall take a decision in accordance with law and in terms of the stipulation under the guidelines.

7. In order to facilitate compliance of the direction, the petitioners are directed to appear in person in the office of the District Magistrate and submit a copy of the representation along with other records including a copy of this order, after which the above direction shall be complied with by the District Level Committee.

8. The District Level Committee shall take a reasoned decision on merits and in accordance with law within a period of three months from the date of the receipt of representation.

9. Affidavit of service is kept on record

10. With the above observations, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)