

07.07.2025.
20
Ct.No.7.
as

WPA 7721 of 2022

Mohiuddin Molla
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.
...for the Petitioner.

Mr. Gourav Das.
...for the State.

Mr. Tanmoy Sett,
Mr. Atish Ghosh,
Mr. Arindam Chandra,
Ms. Antara Dey,
Ms. Neha Gupta.
..for the Respondent No.17.

1. Report as produced on behalf of the State is taken on record.

2. The petitioner has alleged that Private Respondent No. 16 permitted Respondent No. 17 to install a mobile tower on her premises, which is close to the petitioner's house. Due to the proximity between her house and the site of the mobile tower, the petitioner has been facing inconvenience and various problems. The petitioner, along with others in similar circumstances, has made several representations to the District Magistrate. However, despite receipt of these representations, no effective action has been taken. This inaction has compelled the petitioner to file the present writ petition.

3. Mr. Sett, learned Advocate representing Respondent No. 17, submits that a Division Bench has had occasion to consider a similar issue raised in a batch of writ petitions.

He produced an unreported decision of a Hon'ble Division Bench headed by the Hon'ble Chief Justice Mr. Prakash Shrivastava (as His Lordship then was) passed in WPA 2229 of 2018 on 7.02.2022 and contends that the Hon'ble Bench directed the State of West Bengal to constitute a Grievance Committee to address issues similar to those raised in the present writ petition.

4. It is submitted that the Grievance Committees have already been constituted by the State of West Bengal. He submits that the petitioner may be granted liberty to approach the said Committee as well.

5. Mr. Das, learned Advocate representing the State, submits that the dispute has arisen between two neighbors, namely, the petitioner and Respondent No. 16, and that the State has no role to play in this matter.

6. Heard the learned Advocates appearing for the respective parties and perused the materials on record.

7. The order dated 7th February 2022 passed in WPA 2229 of 2018 noted that, by notification dated 11th March 2015, the State of West Bengal had constituted a Grievance Committee to address the grievances of persons who feel affected by the installation of mobile towers in their locality or near their residence.

8. Since a Grievance Committee has been constituted, the writ petition is disposed of, granting liberty to the petitioner to approach the Grievance Committee having territorial jurisdiction over the locality by making an appropriate application in accordance with law.

9. It is clarified that if such an application is received by the Committee from the petitioner, it shall be considered and decided in accordance with law after affording an opportunity of hearing to all interested persons including the the petitioner and Respondent No. 16. If the Committee finds merit in the petitioner's contention, appropriate follow-up action shall be taken. If the Committee finds the petitioner's contention to be without substance, a reasoned order shall be passed and communicated to the petitioner. The entire process shall be completed within eight weeks from the date of receipt of a copy of this order.
10. With this observation, the writ petition is, thus, disposed of.
11. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)