

08.07.2025.
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Ct.No.7.
sdas

WPA 12603 of 2022
with
CAN 1 of 2023
with
CAN 2 of 2025

Smt. Saraswati Dutta & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharya
Mr. Janardan Mandal
.....for the petitioners.

Mr. Bidhayak Lahiri
Mr. Sanjoy Ghosh
Mr. Dilip Kumar Samanta
Mr. Debapriya Samanta
.....for the respondent No.12.

Mr. Biswajit De
Ms. Rajlakshmi Ghatak
..... for the State

1. The petitioners have alleged that Private Respondent No. 12 permitted to install a mobile tower on his premises, which is close to the petitioners' house. Due to the proximity between their house and the site of the mobile tower, the petitioners have been facing inconvenience and various problems. The petitioners, along with others in similar circumstances, have made several representations to the District Magistrate. However, despite receipt of these representations, no effective action has been taken. This inaction has compelled the petitioners to file the present writ petition.

2. Mr. Lahiri, learned Advocate representing Respondent No. 12, 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.

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

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

5. 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.

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

7. It is clarified that if such an application is received by the Committee from the petitioners, it shall be considered and decided in accordance with law after affording an opportunity of hearing to all interested persons including the petitioners and Respondent No. 12. If the Committee finds merit in the petitioners' contention, appropriate follow-up action shall be taken. If the Committee finds the petitioners' contention to be without substance, a reasoned order shall be passed and communicated to the petitioners. The entire process shall be completed within eight weeks from the date of receipt of a copy of this order.

8. With this observation, the writ petition along with applications being CAN 1 of 2023 and CAN 2 of 2025 is, thus, disposed of.

9. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)