

11th June, 2025

Item no. DL 9
Court No. 14

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 31022 of 2024**

In the matter of :
SHAHIDUR RAHMAN
VS. *.... Petitioner*

THE STATE OF WEST BENGAL & ORS.
....Respondents

For the Petitioner :
Mr. Rezaul Hossain
Mr. Parvez Hossain
....Advocates

For the Respondents / State :
Mr. Parikshit Goswami
....Advocates

For the Respondent / Raiganj Municipality :
Mr. Arka Kumar Nag
Ms. Debleena Ghosh
....Advocates

1. Learned advocate representing the petitioner submits that the service provider has removed the upper portion of the mobile tower but the base still remains. Prayer has been made to direct the service provider to remove the base of the tower.
2. Learned advocate representing the service provider refers to the clause in the Leave and License Agreement entered into by and between the parties wherefrom it appears that the parties have agreed that upon termination of the Agreement, the licensee shall remove all fixtures, fittings, equipments, etc. and all its belongings from the scheduled premises without causing any damage to

the said premises except the civil foundation which is permanent / semi-permanent (RCC).

3. It has been submitted that all fixtures, fittings and equipments of the service provider have been removed but the RCC structure has not been removed in accordance with the said agreement.
4. Upon hearing the parties and on perusal of the documents and photographs placed before the Court, it appears that the upper portion of the mobile tower has indeed been removed but the concrete structure over which the tower was set up still remains. As per the agreement in between the parties, the licensee is not liable to remove the same.
5. In view of the above, no further relief can be granted to the petitioner in the instant case.
6. The writ petition stands **disposed of**.
7. It will, however, be open to the petitioner to approach the competent forum for further relief, in accordance with law, if so advised.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Amrita Sinha, J.)