

Sl.5
01.04.2025
Court No.2
BP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 314 of 2025

Sri Subrata Shil
-versus-
The State of West Bengal & Ors.

Mr. Sandip Mondal
Mr. Amit Saha
..for the petitioner

Ms. Bedashruti Bose
Mr. Sumit Kumarl
..for the State

Mr. Deborshi Dhar
..for the Corporation

Affidavit of service filed in Court today is taken on record.

Learned advocate appearing for the petitioner submits that the 4th respondent has been duly served. In spite of service none appears for the 4th respondent.

The Siliguri Municipal Corporation and the State are represented by their respective learned advocates.

The petitioner claims to the owner of a G+2 storied building. The petitioner states that he entered into a lease agreement with the telecom company being the 4th respondent for installation of a mobile tower on the roof top of the building of the petitioner.

The petitioner alleges that the private respondent is neither paying the lease rent to the petitioner nor dismantling the mobile tower which has been erected roof top of the building of the petitioner in spite of several representations being made to the 4th respondent.

The dispute between the petitioner and the 4th respondent with regard to removal of a mobile tower erected on the roof top of the property of the petitioner is purely a private dispute between the petitioner and the 4th respondent.

Learned advocate appearing for the State submits that the lease deed contains an arbitration clause.

Be that as it may, since the dispute is purely a private dispute this Court is not inclined to entertain this writ petition.

For such reason, the writ petition stands dismissed.

This order of dismissal shall not prevent the petitioner from approaching the appropriate forum in accordance with law.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)