

21.01.2026
Item no.01
Ct. No.15
Suman

WPA 4854 of 2025

Purnima Saha
-vs-
The State of West Bengal and Ors.

Mr. Mrinal Kanti Ghosh
..for the petitioner

Mr. S. Banerjee
Ms. Paromita Jati
..for respondent nos. 9 and 10.

Mr. Sunil Kumar Gupta
..for respondent no.11.

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque
..for the State

This Court finds substance in the grievance raised by the petitioner.

The petitioner asserts that she has obtained a decree declaring her right, title, and interest in respect of four decimals of land comprised in L.R. Plot No. 931, J.L. No. 29, Mouza-Joykrishnapur, P.S. Jalangi, passed by the learned Civil Judge (Junior Division), First Court, in Title Suit No. 101 of 1993, against respondent nos. 9 and 10.

It is further submitted that respondent no. 11, in collusion with respondent nos. 9 and 10, has erected a mobile tower on the said plot in defiance of the petitioner's title.

This Court had directed respondent no. 11 to produce the requisite permission granted by the

District Level Committee constituted under the West Bengal Telecom Infrastructure Guideline, 2023. In compliance therewith, the learned counsel appearing for respondent no. 11 has produced the relevant documents today.

From the materials on record, it appears that an agreement was entered into between respondent nos. 10 and 11 for construction of the mobile tower on Plot No. 3093, J.L. No. 30, Jalangi, District Murshidabad. Pursuant thereto, an application was made before the District Level Committee seeking permission to install the tower on the said plot, and the Committee accordingly granted permission for construction on Plot No. 3093.

It is not in dispute between the petitioner and respondent nos. 10 and 11 that the tower in question is standing on Plot No. 931. It is, therefore, evident that no permission was granted by the District Level Committee for construction of a mobile tower on Plot No. 931. On the contrary, permission was granted exclusively in respect of Plot No. 3093.

In view of the aforesaid facts and circumstances, the writ petition is allowed.

Respondent nos. 9, 10, and 11 are directed to dismantle the mobile tower in question within a period of six (06) weeks from date and to restore possession of the land to its lawful owner.

Accordingly, **WPA 4854 of 2025** is allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)