

12.06.2026  
Sl. No.5  
Ct. No.6  
gd

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA/707/2026  
Purnima Ghosh  
versus  
Union of India & Ors**

Ms. Suman Sehanabis  
Mr. Salok Sah  
Ms. Anwasha Chakraborty  
...for the Petitioner.

Mr. Tridip Saha  
Mr. Sourab Kar  
...for the Union of India.

Mr. Arijit Ghosh  
Ms. Rajni Singh Dev  
...for the State.

Mr. Debajit Kundu  
...for the Respondent Nos.5 and 6.

1. By the present writ petition the petitioner seeks for removal of the mobile tower installed by M/s. Dishnet Wireless Limited, which has been subsequently taken over by respondent nos.5 and 6, namely, G.T.L. Infrastructure Limited.
2. The petitioner contends that a mobile tower was installed in the land of the petitioner at village-Tarabari, Tarabarimore, Post & Police station-Naxalbari, District-Darjeeling by M/s. Dishnet Wireless Limited in the year 2008. Consequently, a licence agreement was executed between the petitioner and

M/s. Dishnet Wireless Limited on 4<sup>th</sup> February, 2008 for a period of 12 years commencing on and from 5<sup>th</sup> March, 2008 for the purpose of erecting a Cellular Mobile Transmission Equipment (CMTE). Though the said licence of operating the mobile tower (CMTE) expired on 4<sup>th</sup> March, 2020 but much prior to such expiry of licence the said company stopped their business operation and also stopped paying monthly licence fees to the petitioner-licensor since the year 2018. Several representations were made by the petitioner before the appropriate authority seeking for removal of the mobile tower and lastly on 19<sup>th</sup> March, 2026 a representation has been made before the District Magistrate, Darjeeling seeking for removal of the mobile tower installed over the land of the petitioner. However, no steps have been taken. Hence this writ petition.

3. Ms. Suman Sehanabis, learned advocate for the petitioner submits that since the licence in respect of the said mobile tower has already expired and the same is not being operated since the year 2018, the petitioner approached the authorities particularly District Magistrate, Darjeeling seeking removal of the same. Under Section 18 of

the Telecommunication Act, 2023 the District Magistrate is the appropriate authority to resolve the relevant issue. She seeks that the matter may be relegated to respondent no.2, District Magistrate, Darjeeling to take appropriate steps in respect of the representation made by the petitioner dated 19<sup>th</sup> March, 2026 in accordance with law.

4. Mr. Arijit Ghosh, learned advocate representing the State respondents informs the court that already the District Magistrate, Darjeeling has taken steps directing Block Development Officer, Naxalbari Block, District-Darjeeling to cause an enquiry and submit report. On completion of enquiry requisite steps will be taken by the District Magistrate in accordance with law.
5. Mr. Debajit Kundu, learned advocate appearing for respondent nos.5 and 6, G.T.L. Infrastructure Limited submits that as per the licence agreement the dispute has to be resolved through the Civil Court or before the Arbitrator.
6. In order to examine the submissions advanced on behalf of respondent nos.5 and 6 it would be profitable to reproduce Section

18(1) & (2) of the Telecommunication Act, 2023 as hereunder:

- (1) *The District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve any disputes under this Chapter, except for disputes referred to under sub-section (2) of this Section.*
- (2) *If any dispute arises relating to compensation under sub-section (6) of Section 11, sub-section (2) and sub-section (4) of Section 12, and sub-section (5) of Section 17, it shall, on an application made for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situated, be determined by him.*

7. Upon bare reading of the aforesaid provisions it manifests that the District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve *any dispute*, except the disputes referred to under sub-section (2) of the Section. It is pertinent to note that sub-section (2) of Section 18 relates to compensation. Since this is a dispute relating to removal of the mobile tower from the land of the petitioner, the District Magistrate has the authority under Section 18(1) of the

Telecommunication Act, 2023 to take appropriate steps. For the reasons as above, the argument advanced on behalf of respondent nos.5 and 6 does not stand to reason.

9. It is informed by the learned advocate for the State respondents that the matter has already been taken up by the District Magistrate.
10. In such backdrop, respondent no.2, the District Magistrate, Darjeeling is directed to consider the representation of the petitioner dated 19<sup>th</sup> March, 2026 and take appropriate steps in accordance with law upon notice to the petitioner as well as all concerned including respondent nos.5 and 6 and pass a reasoned order within a period of six weeks from the date of communication of this order.
11. Learned advocate for the petitioner is directed to communicate this order to respondent no.2, the District Magistrate, Darjeeling, for necessary compliance.
12. With the aforesaid directions, the writ petition being **WPA 707 of 2026** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.

15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

**(Bivas Pattanayak, J.)**