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

W.P.A. No. 1565 of 2021

(Via Video Conference)

Pralay Majumder

-vs.-

The State of West Bengal & Ors.

Ms. Sima Adhikari,
Mr. Abhijit Ghosh
...for the petitioner

Mr. Sk. Md. Galib,
Ms. Subhra Nag
...for the State-respondents

Mr. Rajdeep Bhattacharya,
Ms. Sevanti Roy
...for the respondent no. 5

Learned counsel for the petitioner argues that the private respondent has been felling trees in the premises, which are in occupation of both, to harass the petitioner. It is contended that previously a jack-fruit tree was felled in the premises, on which the petitioner obtained an order dated October 05, 2020 from a coordinate Bench of this Court in W.P.A. No. 6589 of 2020 which, inter alia, recorded that the petitioner would be at liberty to request the concerned municipal-authority to remove the jack-fruit tree, if it is not possible for the petitioner to remove the same. The municipal authority was directed to render all assistance.

Learned counsel submits that subsequently certain Moringa (*Sajne*) twigs and one guava tree have also been felled by the private respondent in the premises and, as such, the petitioner seeks a similar order as that passed in W.P.A. No. 6589 of 2020.

Learned counsel appearing for the private respondent disputes such allegations and submits that the said respondent never tried to harass the petitioner by felling trees or otherwise. It is submitted that, rather, the petitioner himself seeks to accumulate building materials to run his business in the said premises.

Learned counsel for the State-respondents submits that, although the petitioner has preferred the writ petition on the grievance that the municipal authority ought to have assisted the petitioner for removing the trees, no representation has been given to the municipality, as apparent from the records.

However, it is evident from Annexure P-7 (at page 42 of the writ petition) that the petitioner had also served a representation on the municipality on January 26, 2021 with regard to the removal of the said trees, which have been subsequently felled.

None appears for the municipality despite service.

In view of the prayer of the petitioner being innocuous, W.P.A. No. 1565 of 2021 is disposed of by permitting the petitioner to remove the trees felled in

the premises of the petitioner, with the assistance of the Ashokenagar-Kalyangarh Municipality. The respondent no. 4 shall render all requisite assistance to the petitioner, if approached by the petitioner, with regard to removal of the said trees.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)