

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO/232/2019

PEOPLE UNITED FOR BETTER LIVING IN CALCUTTA (PUBLIC) AND ANR.

Versus

KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble CHIEF JUSTICE THOTTATHIL B. RADHAKRISHNAN

And

The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 26th February, 2021.

Appearance:

Mr. Pradeep Kakkar, in person

Mr. Ashoke Kumar Banerjee, Sr. Adv.

Mr. Aloke Kumar Ghosh, Adv.

Mr. Gopal Chandra Das, Adv.

..for KMC

Mr. Kishore Datta, Advocate General

Mr. Amitesh Banerjee, Sr. Standing Counsel

Md. T. M. Siddiqui, Adv.

Mr. N. Chatterjee, Adv.

..for State

The Court : The petitioner who is a public spirited citizen, had approached this Court with a grievance that concrete structures were being constructed around the base of the trees which stand on both sides of the Kolkata streets. It was submitted that this is harmful to the trees and may cause serious injury to the trees including the possibility of the trees perishing. We saw the importance of the issue and we called for reports from the Kolkata Municipal

Corporation. One such report was filed in March, 2020. A further report dated 27.1.2021 has now been filed. We find from such report that due action has been taken by the Corporation authorities and the concrete base around 4128 trees have been removed.

The petitioner has filed an exception to the report, which we have kept with the records.

We also find that the Corporation has decided to retain the concrete base in respect of 510 trees for the reasons stated in the report which we find to be logical.

A copy of the exception filed by the petitioner has been made over to the learned senior advocate appearing for the Corporation.

We are sure that the Commissioner of the Corporation will look into such exception and if necessary, take further requisite action as he may deem fit and proper. Anything detrimental for the trees must be removed.

Mr. Kakkar, the petition in person, expresses his concern that in future similar objectionable acts may be done by the Corporation or other people. We grant full liberty to the petitioner to approach the Commissioner of the Kolkata Municipal Corporation and apprise him if the petitioner comes across any such acts in future.

If the Commissioner is so approached, we are sure, holding a high public office, the Commissioner will do everything necessary to redress the grievance of the petitioner which will also be in public interest.

Before parting, we would like to record our sincere appreciation for the efforts taken by the petitioner to bring to the notice of this Court an issue of critical environmental importance. We also appreciate the assistance extended to this Court by Mr. Ashoke Kumar Banerjee, learned senior advocate appearing for the Corporation and also the learned Advocate General and his juniors appearing for the State.

WPO 232 of 2019 is, accordingly, disposed of.

(THOTTATHIL B. RADHAKRISHNAN, CJ.)

(ARIJIT BANERJEE, J.)