

Court No. 24

WPA 7028 of 2021

11.07.2022

(ML 119)

(S. Banerjee)

Sri Kanai Lal @ Kanai Mallick & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Soumyadeep Biswas

... for the petitioners

Mr. Asish Kumar Guha

Mr. N. Ghosh Dastidar

... for the State

Mr. Sekhar Halder

... for the respondent nos. 2 and 3

Mr. Sarthak Burman

... for the respondent no. 7

Let the affidavit of service filed in Court today be kept with the record.

Leave is granted to the learned advocate on record of the petitioner to implead the Inspector in Charge of Kotwali Police Station as a party-respondent in the present writ application.

Learned advocate for the petitioner is directed to serve a copy of the writ petition along with all annexures to the added respondent.

The petitioner seeks for a direction upon the respondent nos. 4 and 5 to take steps to trim down the tree which is standing in front of his premises at K. C. Lahiri Lane, Chasapara, City and P.O. Krishnanagar,

P.S. Kotwali. The tree is standing on the Ramjee Road which is on the opposite side of the petitioner's premises.

On the request of the petitioner the Range Officer took steps to trim down the said tree but the petitioner alleges that the local people objected to the same citing religious sentiments attached to the said tree.

The petitioner has annexed photographs of the tree to show that the said tree is leaning over dangerously to the side of the petitioners' building and may cause damage to the property of the petitioner.

Learned advocate representing the respondent no. 7, who objected to the felling of the tree, submits that they do not have any objection if the tree is trimmed to some extent but the same may not be felled down completely.

Learned advocate representing the State-respondent submits that the agents of the Divisional Forest Officer visited the site for the purpose of felling the tree but the work could not proceed in view of the objection raised by the local people.

After hearing the submissions made on behalf of both the parties and upon perusal of the documents and the photographs annexed to the writ petition, the instant writ petition is disposed of by directing the respondent nos. 4 and 5 to take prompt necessary steps

to trim the branches of the tree in such a manner that the tree does not cause any obstruction or damage to the property of the petitioner. The said authority shall take steps to trim down the tree on regular basis and to maintain the tree in such a manner so that it does not cause any damage to the property of the petitioner.

The Inspector in Charge of the Kotwali Police Station is directed to render all necessary assistance to the men and agents of the respondent nos. 4 and 5 at the time of trimming the tree in question. The aforesaid officers shall take necessary steps in the matter at the earliest, but positively within a fortnight from the date of communication of this order.

The respondent no. 7 is restrained from causing any obstruction to the men and agents of the respondent nos. 4 and 5 at the time of trimming down the tree in question.

Learned advocate for the respondent no. 7 submits that he has filed the Vakalatnama in the department vide filing no. A12031 dated 05.07.2022.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)