

01.05.2023  
Court No. 19  
Item 44  
CP

WPA 21369 of 2017

Anjana Ghosh and another  
vs.  
The State of West Bengal and others

Mr. Purnasish Gupta,  
Mr. Jayanta Kumar Mukhopadhyay,  
Ms. Sruti Dey

... for the petitioners

Mr. Dwarika Nath Mukherjee,  
Mr. Janardan Mandal,

... for the State

Ms. Mekhla Sinha

....for the Howrah Zilla Parishad.

None appears either on behalf of the panchayat authorities or on behalf of the respondent no. 7.

The purpose of the writ petition has been achieved. It appears that by an interim order the alleged 'bakul tree' which was under the threat of being felled by the panchayat authorities, still remains.

The petitioners submit that the tree is around 250 years old and situated on the petitioners' land at Dag No. 261 of Mouza – Moulgachi. The tree had not created any difficulties to any of the villagers.

Suddenly the authorities of the Maju Gram Panchayat at the instigation of the respondent no. 7 issued a notice for measurement of the land as the

tree was obstructing the pathway used by the respondent No.7.

The court does not think that any useful purpose will be served by keeping the writ petition pending. The petitioners have already approached the Divisional Forest Officer, Howrah Division and all other authorities with their grievance. The records further reveal that a mass petition had been filed by the villagers before the concerned authorities but none of the authorities looked into the matter. Finding no alternative, the petitioners have approached this court.

The writ petition is disposed of with a direction upon the Divisional Forest Officer, Howrah Division to treat the writ petition as a representation and dispose of the same, in accordance with law.

While doing so, the petitioners, some of the representatives of the village, the respondent no. 7 and the concerned pradhan shall be heard. The issue shall be decided in accordance with law and necessary orders shall be passed and communicated to all parties.

Till the decision is arrived at, the tree as it remains today, shall neither be damaged nor destroyed.

Unless the lands are required for developmental activities like construction of roads,

drainage system and/or for implementation of public projects, age old trees standing on such land, should not be felled indiscriminately. In the alternative, efforts should be made for plantation of more trees, if trees are felled during execution of projects.

The notice of the pradhan is accordingly set aside.

A copy of the writ petition along with a server copy of this order be served upon the the Divisional Forest Officer, Howrah Division for necessary compliance of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**