

25.09.2024
Sl. No.28(DL)
srm

W.P.A. No. 3355 of 2022

Dr. Biswarup Baral

Versus

**The Divisional Forest Officer,
North 24 Parganas Division & Ors.**

Mr. Sanjib Das

...for the Petitioner.

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

The petitioner submits that permission to fell the branches of a tree which have extended within his premise, has not been granted by the forest authorities. Rule 4 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 has been relied upon.

In the opinion of the Court, Rule 4 does not apply in the case in hand. The petitioner actually seeks permission to cut down few branches of a tree belonging to his neighbour.

Under such circumstances, the petitioner is at liberty to apply before the local body, i.e. the South Dum Dum Municipality for necessary action on the ground that the tree of the neighbour has extended beyond the boundary wall of the neighbour and is causing destruction, damage and

inconvenience to the petitioner. If the petitioner approaches, the municipal authorities, the authorities shall act in accordance with law upon notice to all parties, including the neighbour.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)