

24-09-2025
Item No.26
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.29056 of 2024

Rupasree Roy Chatterjee

-vs-

The State of West Bengal & Ors.

Mr. Amitabha Ghosh ...for the petitioner

Mr. Jahar Lal De, AGP
Mr. Shamim ul Bari ...for the State

Mr. Anindya Lahiri, sr. adv.
Mr. Subhomoy Paul
Mr. Ashis Chakraborty
...for the private respondents

1. The remedy suggested by the Range Forest Officer signed on September 16, 2025 is taken on record.
2. The authority has opined that it is not possible to foresee the nature and direction of further underground growth of the roots of the trees and that trimming of the roots will hamper the survival of the trees.
3. A mango tree has been planted by the private respondents just one foot away from the boundary wall and a coconut tree has been planted 2.2 feet away from the boundary wall. The trees planted by the private respondents inside their boundary wall have grown underground and touched the structures/ construction of the petitioner. The petitioner apprehends that the roots may damage her septic tank.
4. It is absolutely true that the person planting the

trees could not have foreseen as to which direction the roots will grow. The trees were certainly planted within the boundary wall of the private respondents but facts remains that the trees have grown big and the roots have gone underneath and spread towards the boundary wall of the petitioner. Chances of damage to the petitioner's property by the roots of the trees planted by the private respondents cannot be ruled out.

5. The expert authority has opined that to prevent damage to the petitioner's property, the offending trees may be required to be felled.
6. The Court is of the opinion that the private respondents can maintain their own trees strictly within their own boundary premises. The private respondents do not have any right to plant trees that may damage the structure of their neighbour. The same will amount to infringing the right of the petitioner to enjoy his property.
7. The concerned authority is, therefore, directed to ensure that all necessary steps are taken by the private respondents so that the structure of the petitioner is not damaged in any manner whatsoever.
8. Report of the Range Forest Officer dated September 16, 2025 has been handed over to learned counsel for the private respondents for taking necessary steps.
9. In the event proper steps are not taken to ensure that the property of the petitioner is not damaged, then it will be open for the authority to take all remedial steps in accordance with law to deal with any illegal act which causes damage to the private property of the petitioner.

10. The writ petition stands disposed of.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]