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The Law of Neighbours: What are your Legal Rights next Door?

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Neighbours are part of everyone's lives. There are times when we find them helpful, kind, and giving, and there are other times when they might seem annoying. They are our families next door. But there can be times when some activities may cause a nuisance, and such things need to be called out. Things like loud music, barking dogs, and a tree branch hanging over your yard can be initially ignored. But these can cause deep annoyance if discontinued after a period. Also, there are instances when the neighbours don't respect your privacy and boundaries. All these problems may sound petty, but they can become huge if not stopped in time. People think that these are personal fights and nothing much. But the fact that these can be taken to courts and the law provides remedies if neighbours create nuisance is something which is known to few people in society. The law always cares about how the people of a particular community or locality behave with each other, because that's what makes a society. There is no separate law with regard to the subject matter. However, it comes in a combined setup of various other remedies that can come under the subject matter jurisdiction of the issue, depending on how big the problem is. In tort law, nuisance is one subject that can be associated with legal remedies for neighbours. Another such topic under the tort law is trespass, which can prevent neighbours from unlawfully coming onto the property of another person.¹ Additionally, we have property law, municipal by-laws, and environmental regulations. Together, all these laws can make huge changes in the society of neighbourhood laws and can provide legal rights and remedies to people who have been troubled by their neighbours. All these provisions, put together, can balance the rights of every

¹ W V H Rogers, *Winfield and Jolowicz on Tort* (19th edn, Sweet & Maxwell 2014)

person living in the same locality without disrupting the rights of others. This balance can be considered to be the heart of neighbour laws. The purpose of this article is to explore legal statutes in a way that can be easily understood by ordinary people. It also answers common questions like: "When does any action by a neighbour become more than just a harmless irritation? What is the boundary between annoyance and nuisance? When should the line be considered to be crossed in a way that seeks legal remedy? Are the laws currently present enough for curbing the breach of rights and duties in case of neighbour laws?" This article compares the Indian system in this particular matter with respect to those of other countries and showcases both the strengths and weaknesses of Indian jurisprudence. It also highlights that while legal remedies are necessary and it is highly essential to know the thin line that divides right and wrong in various cases, it must go hand-in-hand with mutual respect, peaceful dispute resolution and awareness. The law should be used as a shield against unlawful practices while maintaining healthy neighbourhood relationships.

Keywords: *neighbours, nuisance, boundaries, legal remedies, mutual respect.*

INTRODUCTION

Apparently, we don't choose our neighbours. We just started living with them in the same locality by chance. Many times, it comes off as a gift. This is especially true when our neighbours have mutual respect and a compassionate aura. It usually happens when our neighbours help us when we are in trouble, bring us meals when we get sick, respect the healthy boundaries and keep an eye on our children when we are not at home. However, at certain times, the opposite happens when the neighbours are not empathetic enough. They can also become the reason for us losing our sanity and peace of mind. Disrupting our peaceful sleep after work by disturbing noises or loud music next door, or the constant disturbance when the construction dust from their property keeps entering the kitchen, or even when there is a CCTV camera on their doors peeping into your room. These activities can not only annoy, but can also come in the way of the right to privacy of every individual.² Initially, these seem to be trivial issues that can be resolved by polite requests. But, in case the neighbour refuses to change their demeanour, and it starts affecting your life in adverse ways, such as health, privacy and mental peace, should adjusting with the inconveniences caused by them and suffering in silence be the only options? The people have the right to know that they have remedies available to them in this regard, and they can avail themselves of them in case things go out of hand and do not seem to be thwarted. Neighbourhood

² *Justice K S Puttaswamy v Union of India* (2017) 10 SCC 1

disputes are more than personal clashes. They are the confrontation of individual rights. Everyone has the right to enjoy their property and use it freely according to their own will, and also to enjoy their peace in their own home.³ Therefore, the law says, “Your freedom ends where your neighbour’s peace begins.”⁴ This is the reason the study and exploration of the rights of neighbourhoods is important. It serves the purpose of peaceful living in society by balancing everyone’s rights without violating anyone’s dignity. It balances the gap between the needs and the rights and emphasises that every person has the right to enjoy their own property as long as they are not breaching the rights of other people. It diminishes the gap between individual rights and neighbour laws and maintains the boundaries that are significant to make society livable. The principles of nuisance law, property rights, municipal rules, and even criminal law quietly regulate the extent to which an individual can go before crossing the line between enjoying one’s rights and violating other people’s rights.

This article underscores the importance of not only the legal rights and remedies available to each individual, but also the responsibilities and duties we have as a part of being citizens of India. The responsibilities we should take into consideration with respect to our fellow humans are a necessary step, and it also highlights how the law deals with everyday neighbourhood problems and the struggles of the same.

NATURE OF NEIGHBOURHOOD DISPUTES

Neighbourhood quarrels are a common scenario in a country like India that usually starts as a petty issue, such as pet noise, loud music, and construction dust, but can gradually become big if not handled early and properly. It can end relationships, which is not a feasible option for people living in each other’s neighbourhoods, as it can make things awkward for them and can also cause lifelong hatred in their conscience. Besides, these types of disputes can often end up in courts, which is also not plausible given the triviality of the matter. Now, this can be a huge concern as neighbourhood disputes are different from other disputes. This is because neighbours are permanent. They are the people we celebrate our festivals with and take care of when the other is suffering. It is not easy to just walk away once the dispute is settled, as most people generally do in the case of a dispute with a stranger. These issues can directly affect the comfort

³ The Indian Easements Act 1882, s 7

⁴ *Munshi Ram v Municipal Committee, Chheharta* (1979) 3 SCC 83

zone of both parties, their mental health, the use of one's own property and also the family's health. This is the reason the law takes these issues seriously. Some of the most common neighbourhood problems are as follows:

Noise Problems: Noise is one of the biggest reasons that cause disputes. The most common causes of noise are loudspeakers, loud music systems at parties, especially at night, continuous noise by pet animals and constant drilling and hammering noises. These have the capability of affecting the sanity and peace of an individual and can also influence their sleeping patterns, which can further affect their health.⁵ Many people consider them harmless activities given the common occurrence, but they can have adverse effects, and therefore, they are treated as a potential nuisance by the law.⁶ This is because these “common activities” often cross the boundary of what can be defined as ‘reasonable.’

Encroachment and Boundary Issues: These are often one of the most common causes of neighbourhood fights. A wall being built by your neighbour that extends a few inches into your property, a tree branch hanging into your land, and rainwater from their roof flowing directly into your compound.⁷ These can be considered as small disturbances by many, but they involve property rights. Even a few inches of encroachment can be a cause for years of dispute, more so if there is a great value of the property.

Construction and Renovation Disturbances: Many locations have ongoing construction across the country. But when there is a renovation going on in your neighbourhood, it becomes the source of massive disturbances and even more so when they do the renovation without taking any precautions. In such cases, there is a huge chance of you suffering from dust and debris entering the premises of your property, unsafe scaffolding or falling objects, which can further cause physical injuries, and obstruction of common spaces such as terraces, staircases and society passages.⁸ The enforcement of construction is usually in the hands of municipal by-laws, but due to the reasons of implementations being weak, it is generally fought out by the neighbours.

⁵ Noise Pollution (Regulation and Control) Rules 2000

⁶ *K Ramakrishnan & Anr v State of Kerala & Ors* AIR 1999 Ker 385

⁷ Specific Relief Act 1963, s 5

⁸ *Municipal Council, Ratlam v Vardhichand & Ors* (1980) 4 SCC 162

Pets and Animals: There are many families that adopt pets and keep them as a part of their families in their homes. However, the main causes for disputes in cases of pets in homes are mainly because they constantly make noises, especially at night, disturbing the neighbourhood, they also dirty the staircases and common society passages, and aggressive animals threaten children and elderly people.⁹ This also urges the law to balance the rights of pet owners with those of neighbourhood laws, ensuring safety and hygiene for them.

Privacy Concerns: The constant peeping of neighbourhood CCTV cameras into your balcony or bedroom window is a huge invasion of privacy and is also protected by law.¹⁰ This can become a huge cause of dispute among neighbours. Other causes can lead to privacy concerns among neighbours, like a newly built balcony overlooking your terrace or drones used by many people in residential areas. These can not only cause nuisance but also a breach of privacy and require immediate action against the individuals causing it. Getting your personal life exposed is something beyond tolerance, and courts have started to become a legal right in India, which contends that it cannot be casually violated by neighbours.

Waste, Pollution and Sanitation: Another common issue is improper management of waste by the neighbours. There are instances where neighbours dump garbage in an unusual way, such as in common areas, which can cause foul smells on roads and make it difficult for neighbours to pass by and hamper the use of the common areas. Burning plastic and leaves, sewage overflow from one property to another, are other instances of nuisance by the neighbours.¹¹ These acts don't just cause annoyance in the neighbourhood, but also create health issues for the people living nearby and are also an abuse to the environment. This is where municipal and environmental laws step in.

All these issues might look petty at a certain level, but these fights are not just everyday quarrels, but a clash between rights and freedom. Freedom doesn't mean the rights of every other person should be ignored, and this aspect of freedom needs to be balanced with those of individual rights through the assistance of laws. The law doesn't aim to eliminate all kinds of irritation, but it does step in when it becomes substantial and unreasonable. The law states that adjustment is a good

⁹ Indian Penal Code 1860, s 289

¹⁰ *Justice K S Puttaswamy v Union of India* (2017) 10 SCC 1

¹¹ Environment (Protection) Act 1986; Air (Prevention and Control of Pollution) Act 1981

practice, but not to the extent where it starts compromising the quality of life every individual deserves.

HISTORICAL BACKGROUND OF NEIGHBOR LAW

It might be a common misconception among the masses that neighbourhood disputes are petty quarrels and do not hold much importance. But, only a few people know the significance and history of neighbour laws. In ancient times, people used to live in close-knit societies, such as huts and houses located at small distances from each other. The smoke from other people's homes and the cattle wandering around the whole society could have naturally caused problems across the neighbourhood. That's why they started thinking of various resolutions for the same by making different rules and regulations.¹² Such disputes were often solved by traditional dispute resolution groups known as *panchayats*.¹³ Their work was to look into the unsettled disputes between neighbours and to also promote the principle of harmony in society, which can eventually promote peaceful living, and will also lead to everyone's rights and responsibilities being used in a balanced way without disturbing the peace of others. However, these were an informal way of resolving disputes, but got formal recognition once the statutes of the Indian laws evolved over the years. Indian law is highly influenced by English common law. This shaped the principle of nuisance. It served as the foundation of Indian jurisprudence, which stated that the enjoyment of one's own property should not constitute a nuisance and hamper the peaceful use of other persons within their peaceful boundaries.¹⁴ Moreover, various cultural and religious texts, such as the Manusmriti¹⁵ and the Islamic law, talk about the need to respect other people's boundaries and also teach the significance of restraint from creating nuisance and hindering other people from using their own land for serene purposes, which usually constitutes encroachment.¹⁶ The importance of balance has been stressed by the courts of law in India, and the judicial precedents have been established for this. Peaceful co-existence is underscored as an essential property of society by these statutes.¹⁸

¹² Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing 1982)

¹³ Panchayati Raj Institutions (Gram Panchayat) Act 1992

¹⁴ *Aldred's Case* [1610] 9 Co Rep 57b

¹⁵ George Buhler, *Manusmriti* (Saraswat Prakashan 2024)

¹⁶ Dr. Pandurang Vaman Kane, *History of Dharmasastra* (vol II, Bhandarkar Oriental Research Institute 1941)

¹⁷ Code of Civil Procedure 1908, Or 26 r 9

¹⁸ Constitution of India 1950, art 21; *Subhash Kumar v State of Bihar* (1991) 1 SCC 598

There were famous English cases that served as precedents in such cases. One of the most important landmark judgments in this regard is *Rylands v Fletcher* (1868).¹⁹ In this case, the court held that if someone brings something dangerous into their property and it escapes, the person from whose property it has escaped will be liable for its escape and to pay the compensation. This case establishes the principle of strict liability. Another such judgment is *Sturges v Bridgman* (1879),²⁰ which stated that what may be reasonable for one locality may be unreasonable for another. For example, noise in industrial areas can be a reasonable thing for the local people living in that area, but for the people not living in that area, it can be a very unreasonable experience to face. Another case that was established in India in this regard was *Shyam v Gur Prasad* (1978)²¹, and it held that consistent noise from a nearby flour mill amounted to nuisance. It also emphasised that one person's business should not hinder other people's peace by depriving them of their rights. There is yet another case, *Ram Raj Singh v Babulal*,²² which held that excessive smoke from nearby brick kilns also amounted to nuisance. These landmark cases mark the evolution of neighbour laws to their significance in the modern world and their strong influence in the legal arena.

STATUTORY PROVISIONS AND THE COMMON PRINCIPLES SURROUNDING NEIGHBOUR LAWS

There are various principles and provisions that directly or indirectly tend to solve the problem of neighbour disputes. These provisions are not specifically designed to eliminate the causes that contribute to those disputes, but a responsible, diligent and thoughtful use of these provisions and principles may help society at large in numerous ways. Some of these are as stated below:

Tort Law: Tort Law is one of the areas of law that governs civil law and provides remedies for it. According to these provisions, compensation or an injunction can be sought through a court order. In this provision, it has been stated that nuisance is of two types: private nuisance, when the actions of a neighbour directly affect your personal life, property and health, and public nuisance, when the action of an individual has a cumulative impact on society as a whole.²³

¹⁹ *Rylands v Fletcher* [1868] LR 3 HL 330

²⁰ *Sturges v Bridgman* [1879] 11 Ch D 852

²¹ *Radhey Shiam v Gur Prasad Serma & Anr* (1978) All LJ 1427

²² *Dr Ram Raj Singh v Babulal* (1981) SCC OnLine All 556

²³ Ratanlal and Dhajlal, *The Law of Torts* (27th edn, LexisNexis 2020)

Indian Penal Code (IPC), Section 268:²⁴ Section 268 of the IPC defines public nuisance as an act that causes injury, danger, or annoyance to the public at large. It also contains provisions related to threat, assault and criminal intimidation, which can be potentially done by a neighbour in the course of an ongoing dispute under Section 503²⁵ and 323,²⁶ respectively. Criminal nuisance is contained under Section 268, in case there is an effect on health or any other threat to it.

The Environmental Protection Act, 1986: This Act empowers the government to take the health of the atmosphere and the environment into consideration and can be associated with neighbour disputes in case the neighbour tries to pollute the environment by releasing dangerous substances into the atmosphere.²⁷ This activity not only causes hurt to the people residing in the neighbourhood but also to the environment.²⁸

Noise Pollution (Regulation and Control) Rules, 2000: This provision has the responsibility of setting reasonable decibel limits for causing noise pollution in different areas. For example, the limits for industrial areas are usually higher than those of the residential areas. The limit should not exceed 55 dB for the day and 45 dB at night for residential areas.²⁹

Municipal and Local Laws: Several urban and rural areas have their own rules with respect to this issue. There are *panchayats* and local bodies that govern this matter. For example, loudspeakers are not allowed after 10 p.m. in certain areas, there is an obstruction to cutting trees, and there are building permissions such that you cannot extend your balcony into other people's lands. Hence, these bodies have the authority to resolve disputes, and they can do it faster than the courts.³⁰

The Principle of “*sic utere tuo ut alienum non laedas*”:³¹ This is a Latin phrase that apparently means that everyone should “use their own property without harming others.” This was the basis of neighbour law and states that ownership is not absolute. It's not wrong to enjoy

²⁴ Indian Penal Code 1860, s 268

²⁵ Indian Penal Code 1860, s 503

²⁶ Indian Penal Code 1860, s 323

²⁷ *M C Mehta v Union of India* (1987) 1 SCC 395

²⁸ Environment (Protection) Act 1986, s 3

²⁹ Noise Pollution (Regulation and Control) Rules 2000, r 5

³⁰ Code of Criminal Procedure 1873, s 133; *In Re: Noise Pollution* (2005) 5 SCC 733

³¹ Bryan A. Garner, *Black's Law Dictionary* (11th edn, Thomson Reuters 2019) 1641

your own property, but only without making life unbearable for others. This eventually sets boundaries on property use.

The Principle of Rights v Responsibilities: This doctrine states that every right we enjoy comes with a set of responsibilities. It is your right to build anything on your property, but you have to abide by the municipal rules. You have the right to keep pets on your property, but it is your duty to make sure that those pets don't harm or pose a danger to others living in your neighbourhood. Thus, it is not just about "my rights", but it's all about "my duty towards those living next to me".³²

STEPS FOR BALANCING THE RIGHTS: FREEDOM V PEACE

Friendly Resolve: The first step should always be to approach in a friendly way and to try to resolve the matter amicably without stretching the issue. A polite conversation may work in certain cases, as the neighbours sometimes don't realise their actions might be causing harm to others. A friendly reminder can serve as a prevention from the expansion of the matter.³³

Documenting the Problem: Documenting usually constitutes taking a video or recording the cause of the issue. But this should only be done when the neighbour refuses to understand the gravity of the consequences caused by their actions. It can help record the timings and duration of the nuisance caused and can serve as evidence.³⁴

Resident Welfare Association (RWA): Various societies and apartment complexes have Resident Welfare Associations that can warn, punish and penalise the noisy neighbour.³⁵

Police Complaint: If the neighbour refuses to stop their actions and continues to cause a nuisance, a police complaint can be filed against them only when the rules are broken. The equipment can also be seized after issuing a warning.³⁶

³² Constitution of India 1950, art 51A

³³ Roscoe Pound, *An Introduction to the Philosophy of Law* (Yale University Press 1922)

³⁴ The Indian Evidence Act 1872, s 65B

³⁵ The Maharashtra Co-operative Societies Act 1960, s 72

³⁶ Code of Criminal Procedure 1973, s 133

Legal Action: If the matter extends beyond tolerance and, in extreme cases, a nuisance suit can be filed in the civil court for an injunction.³⁷

The factor that these noise disputes portray a constant tug-of-war between individual freedom and community welfare is prevalent. A person may feel that he has the right to enjoy their property in whatever way they feel like. But the law reminds us that our freedom ends where other people's peace begins. There has to be a balance in everything. Anything without balance dismantles society and threatens its existence. Freedom is a right, but peaceful coexistence should be a choice of every individual living in a civilised society. Regulations should exist for the non-abiding individuals. We should keep in mind that our existence should not become a cause of trouble for the people living next to us.

CASE LAWS

K. Ramakrishnan v State of Kerala (1999): In this case, the court held that smoking in public places causes nuisance for non-smokers and can also be a cause for severe health concerns among common people, as it is a life-threatening practice. Therefore, it was said to be legally prohibited.³⁸

Sturges v Bridgman (UK, 1879): This significant landmark case emerges from the English Common Law. It states that certain long-standing practices, such as noises from factories, can still constitute a nuisance if they actively hamper the peaceful living of residents, especially in matters where they newly interfere with someone else.³⁹

Municipal Council, Ratlam v Vardhichand (1980, SC): In this case, the Supreme Court forced the municipality to take charge of the open drains and filth in the neighbourhood that created health hazards.⁴⁰

³⁷ The Specific Relief Act 1963, s 38

³⁸ *K Ramakrishnan & Anr v State of Kerala & Ors* AIR 1999 Ker 385

³⁹ *Sturges v Brudgman* [1879] 11 Ch D 852

⁴⁰ *Municipal Council, Ratlam v Vardhichand & Ors* (1980) 4 SCC 162

These cases are the major interpretations of the fact that neighbourhood quarrels are not just some petty fights, but are serious issues which can often deal with dignity, privacy, health and safety of individuals living in a society.

COMPARATIVE PERSPECTIVE: INDIA AND OTHER COUNTRIES

The comparative analysis of all the countries, along with India, contributing to this particular issue is proof that this subject has the whole point of navigating the lives of people and communities across the world. Hence, it is now evident that the issue isn't as petty as it seems. The same everyday problems like fences, parking issues, noise and boundaries can have adverse impacts on the nearby residents of any country subjectively. Besides, the law treats these issues very seriously because this has a direct impact on the peaceful living of society.

India: In India, these neighbour-related disputes are very common in the day-to-day lives of individuals, and it is usually covered under the law of torts, which governs civil wrongs and also the property law. Courts often rely on the principles of private nuisance, which comes under Section 268 of the Indian Penal Code, and tort law makes it actionable. Simply put, if your neighbour's water leakage, smoke or loudspeakers make you uncomfortable, a nuisance claim can be filed against them. Property disputes like encroachment come under the Specific Relief Act, 1963,⁴¹ and the Code of Civil Procedure, 1908,⁴² and boundary matters are governed under the Easements Act, 1882.⁴³ These include matters relating to drainage issues, rights of way, light and air. However, there is no specific law in India that governs neighbour laws.

United Kingdom: In the UK, there are strict neighbour laws. It has well-developed statutes in this regard. If your neighbour plays loud music at night, disturbing your peace or if a tree branch falls off in your land, you can file a complaint against them right away. The Anti-social Behaviour Act, 2003,⁴⁴ is brought into action in case of tree disputes. India still lacks such provisions. In the UK, local councils also play a major role in settling such neighbour disputes and giving faster resolutions to the claims raised. However, in India, courts are the only option in bigger disputes, in which the matters keep getting piled up daily, and final resolutions take years to come into light. This shows that the laws are flexible in nature in the UK.

⁴¹ The Specific Relief Act 1963

⁴² Code of Civil Procedure 1908, ss 5 and 9

⁴³ The Indian Easements Act 1882, s 15

⁴⁴ The Anti-Social Behavior Act 2003

United States: In the US, the nuisance laws vary from state to state. But the laws in every state come under the nuisance doctrine, which aims to protect people from unnecessary and unreasonable activities of their neighbours. It consists of noise pollution and boundary issues. For instance, many states in the US have Right to Farm Acts⁴⁵, which protect farmers from the regular complaints of their neighbours due to farming activities. India lacks such a balance between rural and urban neighbour laws.

Australia: There is a very community-focused culture in Australia. They aim to protect their communities through various provisions. One such provision is the Dividing Fences Act, 1991.⁴⁶ This Act states that the neighbours should share the cost of repairing common fences between their houses. In India, most of the neighbour disputes comprise fights due to fences, and they escalate so much that they often end up in courts. No such regulation has been introduced in India as of now, but it is definitely the need of the hour.

Singapore: Singapore allows its netizens to directly approach a tribunal for common problems in the neighbourhood, mainly comprising concerns like smell, noise and obstruction through the Community Disputes Resolution Act, 2015.⁴⁷ This is a fast-track method because it helps in the quick and affordable resolution of disputes without much extension. It also helps common people in avoiding lengthy court proceedings and saves them time. In India, we don't have such specialised tribunals, due to which the cases often drag on.

CONCLUSION

Living next to someone can prove to be both a boon and a bane for an individual. Yes, everything has its own pros and cons, and it won't be wrong to say that people should adjust to some of the problems because that's what helps encourage healthy relationships. But that should also be done within a limit. There should be a notable balance between compromising and suffering. No person has the right to cross that line, and no one is obliged to make amends for every irresponsible behaviour of the people around them. We should know our rights and remedies available to us for every next-door issue that cannot be 'adjusted' with. Besides, India has some

⁴⁵ Michigan Right to Farm Act 1981

⁴⁶ The Neighborhood Disputes (Dividing Fences and Trees) Act 2011

⁴⁷ Community Disputes Resolution Act 2015

statutory provisions that can prove to be an aid in such cases, but there are no specific laws that can help with neighbour-related disputes. That is a necessity and should definitely be looked into. Considering the extent to which a person next door can go, there should be specifically designed laws for each discomfort caused by the other person. This will balance the instability between freedom and rights. The laws of other countries can influence India to evolve its laws in this area. A well-defined jurisdiction will not only enhance neighbour relationships and understanding, but will also make our country and society a healthier, happier place to live in.