

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

OP(Crl.).No. 3845 of 2013 (Q)

**(AGAINST THE COMPLAINT NO.4960/2013 OF REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM DATED 29/08/2013)**

PETITIONER :

**MAHESHKUMAR S.,
S/O. N.SEKHARAN NAIR,AGED 39 YEARS, JAGATH, VETTINADU,
VATTAPPARA P.O., THIRUVANANTHAPURAM-695 028.**

**BY ADVS.SRI.SREEKANTH S.NAIR
SRI.M.LIJU**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM-695 043.**
- 2. THE TAHSILDAR,
REVENUE TOWER, NEDUMANGAD P.O.,
THIRUVANANTHAPURAM-695 541.**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE, VEMBAYAM, VEMBAYAM P.O.,
THIRUVANANTHAPURAM-695 615.**
- 4. MOIDEEN KUNJU, S/O. MUHAMMED SAID, AGED 48 YEARS,
KUNNUPURATHU VEEDU, VETTINADU,
VATTAPPARA P.O., THIRUVANANTHAPURAM-695 028.**
- 5. SULAIMAN, S/O. MUHAMMED SAID, AGED 43 YEARS,
KUNNUPURATHU VEEDU, VETTINADU,
VATTAPPARA P.O., THIRUVANANTHAPURAM-695 028.**
- 6. REV. FATHER GIVARGHESE MANNIKARODE,
S/O. KUNJANDI, AGED 78 YEARS,
ST. ALOSIOUS MINOR SEMINARY,
PATTOM P.O., THIRUVANANTHAPURAM-695 004.**
- 7. PRADEEP KUMAR,S/O. THANKAPPAN NADAR, AGED 44 YEARS,
P.G.HOUSE, VETTINADU, VATTAPPARA P.O.,
THIRUVANANTHAPURAM-695 028.**

**R1 TO R3 BY PUBLIC PROSECUTOR SMT. MAYA
R6 BY ADV. SRI.J.HARIKUMAR**

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF TAX RECEIPT NO. 0409725 DATED 30-08-2013 ISSUED BY THE VILLAGE OFFICER, VEMBAYAM.
- EXHIBIT P2- TRUE COPY OF THE LOCATION SKETCH OF PETITIONER'S PROPERTY COMPRISED IN SURVEY NO. 323/2 ISSUED BY VEMBAYAM VILLAGE OFFICER.
- EXHIBIT P3- PHOTOGRAPH OF THE COCONUT TREE BELONGING TO THE 4TH RESPONDENT SITUATED CLOSE TO THE BOUNDARY WALL OF THE PETITIONER.
- EXHIBIT P4- PHOTOGRAPH OF THE RUBBER TREE BELONGING TO THE 6TH RESPONDENT SITUATED CLOSE TO THE BOUNDARY WALL OF THE PETITIONER.
- EXHIBIT P4(A)- PHOTOGRAPH OF THE RUBBER TREE BELONGING TO THE 6TH RESPONDENT SITUATED CLOSE TO THE BOUNDARY WALL OF THE PETITIONER.
- EXHIBIT P5- TRUE COPY OF THE COMPLAINT NO. 4960/2013 DATED 29-8-2013 SUBMITTED BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE COMPLAINT DATED 29-8-2013 SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXHIBIT P7- TRUE PHOTOCOPY OF THE REPORT PREPARED BY 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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B.KEMAL PASHA, J.

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Dated this the 11th day of December, 2015

JUDGMENT

Heard the learned counsel for the petitioner.

The complaint of the petitioner is that certain trees are standing dangerously in the neighbouring property and there is every likelihood of causing danger to the life and property of the petitioner. The petitioner has filed Ext.P5 application before the learned Sub Divisional Magistrate, Thiruvananthapuram. The learned Sub Divisional Magistrate, Thiruvananthapuram has forwarded the said complaint to the Grama Panchayat. The procedure adopted by the learned Sub Divisional Magistrate is not correct.

2. At the same time, Ext.P5 does not reveal the name and address of the respondents involved. Matters

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being so, the petitioner is granted liberty to approach the learned Sub Divisional Magistrate again through a proper complaint.

With the said liberty to the petitioner, this original petition is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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