

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WA.No. 916 of 2013 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 9360/2012 DATED 13-04-2012)

APPELLANT/PETITIONER:

**KOZHIKODE CORPORATION,
REP. BY SECRETARY,
CORPORATION BUILDING,
KOZHIKODE.**

BY ADV. SRI.K.D.BABU,SC,KOZHIKODE CORPORATION

RESPONDENT(S)/RESPONDENTS:

- 1. PNARENDRANATH, AGED 62 YEARS,S/O.PRABHAKARAN,
'JANU PRABHA', VALAYANAD AMSOM DESOM,
KOMMERI P.O., KOZHIKODE TALUK,
KOZHIKKODE DISTRICT - 673 007.**
- 2. N.P.RAJANI, AGED 55 YEARS,W/O.NARENDRANATH,
'JANU PRABHA', VALAYANAD AMSOM DESOM,
KOMMERI P.O., KOZHIKODE TALUK,
KOZHIKKODE DISTRICT - 673 007.**
- 3. P.T.SEEMA, W/O.JYOTHISH PILLAI,
HOUSE NO.26/858 B, VALAYANAD AMSOM DESOM,
KOMMERI P.O., KOZHIKKODE TALUK,
KOZHIKKODE DISTRICT - 673 007.**
- 4. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM - 695 001.**

**R1 & R2 BY ADVS. SRI.R.SUDHISH
SRI.P.P.BALAN
SMT.M.MANJU
SRI.K.R.RANJITH**

R4 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 916 of 2013

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Dated this, the 21st day of December, 2015

J U D G M E N T

Ashok Bhushan, C.J.

This writ appeal has been filed against judgment dated 13th April, 2012 in WP(C) No.9360/2012. The appellant Corporation had filed the writ petition challenging Ext.P6 order passed by the Tribunal for Local Self Government Institutions. Revision was filed by respondents 1 and 2 in the writ petition against the decision of the Corporation to cut certain trees. The Tribunal allowed the revision in part. However, in so far as the cutting of coconut palm, it was observed that the remedy of the revision petitioners was to claim damages from the erring officers, which they will have to take before competent forum. Challenging the said order, this writ petition has been filed.

2. Learned Single Judge dismissed the writ petition noticing that the Tribunal has substantially accepted the claim of the Corporation while upholding the orders for cutting and

W.A. No.916/13

-:2:-

removal of the branches of mango tree and jack tree. With regard to cutting of coconut palm, Tribunal gave liberty to the revision petitioners to seek remedy of damages.

3. We do not find any error in the judgment of the learned Single Judge warranting any interference in exercise of appellate jurisdiction. Learned counsel for the Corporation is also not aware as to whether any suit has been filed for damages. In the event no suit has been filed so far, the appeal has virtually become infructuous.

Appeal is dismissed with the above observations.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp21/12/2015

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PS to Judge