

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 5868 of 2015 (G)

PETITIONER(S):

**JESSY JOSE,
W/O.JOSEPH SCARIA, NELICKATHERUVIL (H),
HOUSE NO.III/87-A, RAMAPURAM, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
SRI.K.B.ARUNKUMAR**

RESPONDENT(S):

- 1. THE RAMAPURAM GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
THE RAMAPURAM GRAMA PANCHAYATH OFFICE,
RAMAPURAM BAZAAR (PO), KOTTAYAM DISTRICT, PIN-686 576.**
- 2. THE SECRETARY,
THE RAMAPURAM GRAMA PANCHAYATH OFFICE,
RAMAPURAM BAZAAR (PO), KOTTAYAM DISTRICT, PIN-686 576.**
- 3. DANTYCHAN LUKOSE,
S/O.K.M.LUKOSE, KOOTTAKALLIL, RAMAPURAM BAZAAR (PO),
KOTTAYAM DISTRICT, PIN-686 576.**

R1 & R2 BY ADV. SRI.P.C.HARIDAS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 5868 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : THE TRUE COPY OF THE REPRESENTATION DATED 29-09-2014 BEFORE
THE PRESIDENT OF THE 1ST RESPONDENT GRAMA PANCHAYATH ALONG
WITH ENGLISH TRANSLATION.**

**EXT P2 : THE TRUE COPY OF THE LETTER DATED 09-10-2014 ISSUED BY THE
2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.**

**EXT P3 : THE TRUE COPY OF THE REPRESENTATION DATED 11-11-2014 SUBMITTED
BY THE PETITIONER ALONG WITH HER HUSBAND TO THE
2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.**

**EXT P4 : THE TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT ON
RECEIPT OF EXHIBIT P3 REPRESENTATION.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.5868 of 2015

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Dated this the 29th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the 2nd respondents to consider Ext.P3 representation and to execute Ext.P2 order passed by the panchayat.

2. The petitioner and the 3rd respondent are neighbours. The petitioner alleges that one teak tree in the property of the 3rd respondent which is leaning towards her house and its huge branches are causing threat to her life and property. Therefore, she submitted Ext.P1 representation before the President of the 1st respondent. After conducting enquiry, the 2nd respondent issued Ext.P2 order directing the 3rd respondent to cut and remove the tree.

3. As the 3rd respondent has not complied with Ext.P2 order, the petitioner submitted Ext.P3 representation before the 2nd respondent seeking to execute Ext.P2. However, the same was left unheeded. It is with this background, the petitioner has approached this Court.

4. Though notice has been issued to the 3rd respondent, he did not turn up.

5. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 and 2.

6. It appears from record that on the basis of Ext.P1, the 1st respondent has conducted an enquiry and on satisfying that the apprehension of the petitioner is genuine, directed the 3rd respondent to cut and remove the teak tree as per Ext.P2. However, the same has not been implemented so far. The respondent is duty bound to implement the same.

Therefore, the writ petition is disposed of directing the respondent panchayat to consider Ext.P3 representation after hearing the petitioner and the affected parties and to execute Ext.P2 order within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj