

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 26326 of 2012 (M)

PETITIONER(S):

N.A.JOSEPH AGED 67 YEARS
AGED 67 YEARS, S/O.N.X.ANTONY, NADEEPARAMPIL
EZHUPUNNA NORTH P.O., MUTHUKAYIL, CHERTHALA.

BY ADVS.SRI.T.S.JOHN
SRI.JESTIN MATHEW

RESPONDENT(S):

1. REVENUE DIVISIONAL OFFICER, ALAPPUZHA- 688 001
2. VILLAGE OFFICER, EZHUPUNNA P.O.,
CHERTHALA TALUK, ALAPPUZHA DISTRICT-688 548
3. LILLY JOSEPH, NADEEPARAMBIL MUTHUKAYIL, EZUPUNNA P.O.,
CHERTHALA TALUK. 688 548.
4. DOMINIC, NADEEPARAMBIL, MUTHUKAYIL, EZHUPUNNA P.O.,
CHERTHALA TALUK - 688 548.

R3,4 BY ADV. SRI.J.OM PRAKASH
R1 & 2 BY GOVERNMENT PLEADER SRI. REJI JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P-1 TRUE COPY OF THE PETITION DATED 21.3.2012 FILED BEFORE
THE 1ST RESPONDENT REVENUE DIVISIONAL OFFICER, ALAPPUZHA.

EXT.P-2 TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, EZHUPUNNA.

EXT.P-3 TRUE COPY OF THE ORDER DATED 5.10.2012 OF THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

A.M.SHAFIQUE, J

W.P(C). No. 26326 of 2012

Dated this the 13th day of November, 2015

J U D G M E N T

Petitioner challenges Ext.P3 order passed by the Revenue Divisional Officer, while considering the complaint regarding the dangerous position of a coconut tree. It is observed that since appropriate measures have been taken by the respondent to abate the alleged damage and other nuisance, no further action is required to be taken in the matter.

2. The petitioner submits that the tree belonging to respondents 3 and 4 in their property, was slanting in such a position that it was causing danger to the petitioner's property, which is evident from Ext.P2. In Ext.P2 report, it is stated that the tree was standing in a dangerous position.

3. However, the Revenue Divisional Officer having conducted personal verification on 3.10.2012, opined that necessary preventive measures have been taken by tying the coconut tree with steel wire and it was ensured that the tree does not fall or cause any damage to nearby residence.

4. Having regard to the aforesaid factual situation, I do not think that this Court will be justified in interfering with Ext.P3. However, it shall be open for the petitioner to approach the Revenue Divisional Officer if there is any further cause of action.

With this observation, the writ petition is closed.

Sd/-
A.M.SHAFIQUE,
JUDGE

// TRUE COPY //

P.A. TO JUDGE

sou.16/11/15