

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 31540 of 2013 (N)

PETITIONER(S):

**ALBERT JOSEPH, S/O. JOSEPH,
PLATHOTTATHIL HOUSE, MEMADANGU P.O.,
ARAKUZHA, MUVATTUPUZHA, ERNAKULAM DISTRICT.**

BY ADV. SRI.JOSE J.MATHAIKAL.

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
MUVAATTUPUZHA - 686 670.**
- 2. BABU, S/O. KOYIKKARA JOSEPH,
PLATHOTTATHIL PUTHENPURAYIL HOUSE,
MEMADANGU P.O., ARAKUZHA, MUVATTUPUZHA,
ERNAKULAM DISTRICT - 686 673.**

**R1 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.
R2 BY ADVS. SRI.V.RAJENDRAN (PERUMBAVOOR),
SRI.GEORGE VARGHESE KIZHAKKAMBALAM.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 31540 of 2013 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1- TRUE COPY OF THE PETITION DATED 01/01/2013 FILED BY
2ND RESPONDENT BEFORE RDO.**

**EXHIBIT-P2- TRUE COPY OF THE SUIT DATED 17/01/2013 FILED BY
2ND RESPONDENT BEFORE CIVIL COURT.**

**EXHIBIT-P3- TRUE COPY OF THE NOTICE DATED 18/04/2013 ISSUED BY
1ST RESPONDENT.**

**EXHIBIT-P4- TRUE COPY OF THE ORDER DATED 19/10/2013 ISSUED BY
1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).No.31540/2013**  
~~~~~

Dated this the 9th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the order passed by the Revenue Divisional Officer, Muvattupuzha. The above order has been passed based on a complaint of the second respondent. The complaint raised by the second respondent is that his lateral support will be lost if the petitioner removes earth from the petitioner's property.

2. It is submitted by the learned Government Pleader that there are some issues between the petitioner and the second respondent and, the second respondent has filed a civil suit, which is pending before the civil court.

3. Considering the nature of the claim raised by the second respondent, this Court is of the view that it is clearly a civil dispute and it has to be worked out before the civil court. The parties are bound by the orders passed by the civil court. Accordingly, the impugned orders are set aside.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms