

Narayana Pillai vs the Secretary

Narayana Pillai vs the Secretary

SooperKanoon Citation : sooperkanoon.com/1446292

Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/2873/2022

Appellant : Narayana Pillai

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943
WP(C) NO. 2873 OF 2022 PETITIONER: NARAYANA PILLAI AGED 81
YEARS ARCHANALAYAM, THAMARAKKUDI P.O., KOTTARAKKARA,
KOLLAM - PIN - 691 506. BY ADVS. R.HARIKRISHNAN
(KAMBISSERIL) NEERAJ NARAYAN RESPONDENTS: THE
SECRETARY 1 MYLOM GRAMA PANCHAYATH, MYLOM - PATTAZHY
ROAD, MYLOM, KOLLAM - 691 560. MYLOM GRAMA PANCHAYATH 2
REPRESENTED BY ITS SECRETARY MYLOM - PATTAZHY ROAD,
MYLOM, KOLLAM - 691 560. THE VILLAGE OFFICER, MYLOM
VILLAGE OFFICE, GURU MANDIRAM ROAD, KOLLAM - 691 566. AJI

P. NAIR, VAISHNAVAM, THAMARAKKUDI P.O., KOTTARAKKARA, KOLLAM - PIN - 691 506. SRI. SYAMANTHAK-GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 28th day of January, 2022 This writ petition is filed seeking the following reliefs:-

(a) Issue a writ or directions in the nature of or similar 1st and 2nd respondents to take precautionary steps mandated under Section 238 of the Kerala Panchayath Raj Act against the 4th respondent in the light of Ext.P2 report of the 3rd respondent. (b) Issue a writ or directions in the nature of or similar 1st respondent to consider Ext.P3 representation submitted by the petitioner to the 1st respondent.

2. Heard the learned counsel for the petitioner and the

learned Standing Counsel appearing for respondents 1 and 2 and the learned Government Pleader appearing for the 3 rd respondent. In the light of the directions being issued, notice to the 4th respondent is dispensed with.

3. It is submitted by the learned counsel for the petitioner

that the petitioner has preferred Exhibit P3 complaint before the 1st respondent, alleging that the trees standing in the property of the 4th respondent, which is adjacent to the petitioner's property, are causing real and imminent threat to the life and property of the petitioner. It is submitted that Exhibit P2 report of the Village Officer also supports the petitioner's contentions. Having heard the learned counsel on either side, I am of the opinion that it is for the 1st respondent to take an appropriate decision on the request made by the petitioner. There will, accordingly, be a direction to the 1 st respondent to take up Exhibit P3 request made by the petitioner and to consider and pass orders on the same with notice to

the petitioner as well as the 4th respondent. The contentions of the parties shall be clearly considered by the first respondent while passing orders as directed above. It is made clear that this Court has expressed no opinion on the merits of the matter and it is for the 1st respondent to take an appropriate decision in accordance with law. Exhibit P2 report shall also be adverted to while passing orders. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE SSK/28/1 PETITIONER'S EXHIBITS: Exhibit P1 THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH ACKNOWLEDGMENT RECEIPT DATED 23.07.2019. Exhibit P2 THE TRUE COPY OF THE REPORT FILED BY THE RESPONDENT VILLAGE OFFICER DATED 29.07.2019. Exhibit P3 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 30.10.2021. RESPONDENT'S/S EXHIBITS: NIL

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com