

Cherian vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/12218/2020

Appellant : Cherian

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942
PETITIONER: CHERIAN AGED 60 YEARS S/O. MATHAI,
KUTTEKUDIYIL HOUSE, KANINADU P.O., PUTHENCRUZ VILLAGE,
ERNAKULAM DISTRICT-682 308. BY ADVS. SRI.VIPIN NARAYAN
SRUTHY N. BHAT RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY, DEPARTMENT OF
REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001. 2 REVENUE DIVISIONAL
OFFICER MINI CIVIL STATION, MUVATTUPUZHA-686 669. 3
TAHASILDAR KUNNATHUNADU TALUK, CIVIL STATION, 4

TAHASILDAR(LAND RECORDS) KUNNATHNADU TALUK, CIVIL STATION, 5 STATION HOUSE OFFICER PUTHENCROUZ POLICE STATION, PUTHENCROUZ-682 308. GP RAVIKRISHNAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June 2020 This writ petition is filed seeking the following prayers: i) Issue a writ of Mandamus or such other writ, order or direction directing the 3rd respondent to implement exhibit P1

order at the earliest.

ii) Issue a writ of Mandamus or such other writ, order or direction directing the 3rd respondent to take action on Exhibit P3 representation at the earliest.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

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

that there are two old coconut trees standing on the Kollapady- Kutta Colony public road which are standing in a dangerous condition and that Ext.P1 order had already been issued on 13.01.2020 by the Revenue Divisional Officer directing the cutting and removal of the trees which pose serious threat to the public who use the road. It is submitted that it was on the basis of Ext.P2 report that Ext.P1 order has been issued. However, it is submitted that in spite of the said order, no steps have been taken to cut and remove the trees.

4. The learned Government Pleader submits that appropriate follow up action shall be taken on the basis of Ext.P1, if Ext.P1 has not been varied or altered in any manner. The said submission is recorded.

There will, accordingly, be a direction to respondents 3 and 4 to see that Ext.P1 order is implemented, if the same has not been varied or altered. Appropriate steps shall be taken within a period of three weeks from the date of receipt of a copy of this

judgment.

This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE SVP
APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED 13.1.2020. EXHIBIT P2 TRUE COPY OF THE REPORT OF THE 4TH RESPONDENT DATED 12.12.2019. EXHIBIT P3 TRUE COPY OF THE REPRESENTATION PREFERRED TO THE 3RD RESPONDENT DATED 27.5.2020.

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