

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF FEBRUARY 2024 / 25TH MAGHA, 1945

WP(C) NO. 40364 OF 2023

**PETITIONER:**

LALITHA .T.V  
AGED 58 YEARS  
W/O UNNIKRISHNAN ,THEKKUMBADAM, MATHIRACODE,  
KARIVALLOOR VILLAGE, PAYYANUR THALUK, KANNUR DISTRICT,  
PIN - 670521

BY ADVS.  
K.N.RADHAKRISHNAN (THIRUVALLA)  
ABHILASH.B

**RESPONDENTS :**

- 1 KARIVALLOOR PERALAM GRAMA PANCHAYATH  
KARIVALLOOR P.O 670521. REPRESENTED BY ITS SECRETARY.,  
PIN - 670521
- 2 SECRETARY, KARIVALLOOR PERALAM GRAMA PANCHAYATH OFFICE  
KARIVALLOOR P.O, KANNUR DISTRICT, PIN - 670521
- 3 SUDHEER KARIMBIN  
AGED 50 YEARS  
S/O GOVINDHAN ,HARINANDHANAM, MATHIRACODE, KARIVALLOOR  
VILLAGE, PAYYANNUR THALUK, PIN - 670521

BY ADV M.SASINDRAN

**OTHER PRESENT:**

SR.GP.SRI.E.G.GORDEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

The petitioner has filed this writ petition for implementation of Ext.P4 communication of the 2<sup>nd</sup> respondent, the Secretary of the Panchayat issued to the 3<sup>rd</sup> respondent directing him to cut and remove the tree standing in his property.

2. On a perusal of Ext.P4, it is seen that the same is not an order passed in the terms of Section 238 of the Kerala Panchayat Raj Act. Under Section 238, it is for the Village Panchayat to issue notice requiring the owner of the tree to cut and remove the same, if it poses threat or danger.

3. Accordingly, there will be a direction to the 2<sup>nd</sup> respondent to place Ext.P3 complaint filed by the petitioner before the Committee of the 1<sup>st</sup> respondent Panchayat within one week from the date of receipt of a copy of this judgment. The Committee shall consider Ext.P3 with notice to the petitioner and the 3<sup>rd</sup> respondent and pass appropriate orders, in accordance with law, within a period

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of one month therefrom.

The writ petition is disposed of.

Sd/-  
**MURALI PURUSHOTHAMAN**  
**JUDGE**

bng

**APPENDIX OF WP (C) 40364/2023**

PETITIONER EXHIBITS

- |            |  |
|------------|--|
| Exhibit P1 | THE COPY OF TAX RECEIPT DATED<br>25.10.2023 ISSUED FROM THE KARIVELLOOR<br>VILLAGE OFFICE  |
| Exhibit P2 | TWO PHOTOGRAPHS SHOWS THE STRUCTURE,<br>HOUSE OF PETITIONER IN IN RE-SURVEY<br>NO231/122 OF KARIVELLOOR VILLAGE AND THE<br>MANGO TREE, |
| Exhibit P3 | THE COPY OF THE COMPLAINT GIVEN TO THE<br>SECOND RESPONDENT  |
| Exhibit P4 | THE TRUE COPY OF THE ORDER DATED<br>02.11.2023 ISSUED BY SECOND RESPONDENT   |