



"CR"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 18TH DAY OF JUNE 2026 / 28TH JYAISHTA, 1948

WP(C) NO. 24843 OF 2025

PETITIONER/S:

GOPINATH R
AGED 47 YEARS
S/O RAGHAVAN R RESIDING AT ROHINI PRA-6A
PURAVOORKONAM VAZHAYILA KARAKULAM PO NEDUMANGADU
THIRUVANANTHAPURAM, PIN - 695564

BY ADV
SRI.H.PRAVEEN (KOTTARAKARA)

RESPONDENT/S:

- 1 OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS
4 TH FLOOR SAFALYAM COMPLEX TRADE BUILDING
UNIVERSITY PO THIRUVANNATHAPURAM, PIN - 695034
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE DISTRICT COLLECTOR
CIVIL STATION KUDAPPANAKUNNU THIRUVANANTHAPURAM,
PIN - 695043
- 4 DIRECTOR OF PANCHAYATH



2026:KER:44156

PANCHAYAT DIRECTORATE SWARAJ BHAVAN, GROUND
FLOOR, NANTHANCODU, KOWDIAR.P.O,
THIRUVANANTHAPURAM, PIN - 695003

- 5 THE REVENUE DIVISIONAL OFFICER
NEDUMANGADU THIRUVANANTHAPURAM, PIN - 695541
- 6 THE TAHSILDAR
NEDUMANGADU TALUK THIRUVANANTHAPURAM, PIN -
695541
- 7 THE VILLAGE OFFICER
KARAKULAM VILLAGE NEDUMANGADU TALUK
THIRUVANANTHAPURAM, PIN - 695564
- 8 KARAKULAM GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY KARAKULAM PO
THIRUVANNATHAPURAM, PIN - 695564
- 9 RENJITH S
KARTHIKA PRA-A6 PURAVOORKONAM VAZHAYILA KARAKULAM
PO NEDUMANGADU THIRUVANANTHAPURAM, PIN - 695564

BY ADVS.
SRI.G.P.SHINOD
SHRI.SREEHARI INDUKALADHARAN
SRI.GOVIND PADMANAABHAN
SHRI.AJIT G ANJARLEKAR
SHRI.ATUL MATHEWS
SMT.GAYATHRI S.B.

SR.GP.SRI.KABEER S

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18.06.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**"CR"****P.V.KUNHIKRISHNAN, J****-----
W.P (C) No.24843 of 2025
-----****Dated this the 18th day of June, 2026****JUDGMENT**

The petitioner and the 9th respondent are neighbours and owners of a small extent of property. A coconut tree is on the property of the 9th respondent. Now, the petitioner and the 9th respondent are fighting each other because of this coconut tree. If a coconut tree has the capacity to laugh, the coconut tree might have laughed towards these fighting neighbours. If it had the capacity to fall after a wind, it might have done so to prevent neighbours from fighting over its existence. The ego seems far less flexible than the coconut tree in question. Two grown neighbours, unable to bend their egos as easily as a coconut tree bends to the wind, is the situation. Now, these two neighbours, who are grown-up people, dragged this Court to a quarrel over a harmless palm in the 'paramba' of the 9th respondent. That is the one and only coconut



tree in the property of the 9th respondent. What should have been resolved over a shared cup of tea or coffee has instead ripened into a full-blown litigation, as if every swaying frond were a legal threat and every coconut an impending exhibit. If the tree itself could think, as I mentioned earlier, it might well wonder how its quiet existence has become the subject of wasting unnecessary judicial time of this court. I will narrate the facts in the following paragraphs.

2. The petitioner is in possession and enjoyment of 2.23 Ares of land in Re. Sy. No.486/6-1-3 in Karakulam Village, Nedumangadu Taluk in Thiruvananthapuram District. He constructed a beautiful concrete residential house on his property, as evident by the photographs produced in this writ petition. Similarly, the 9th respondent, who is residing on the western side, also constructed a very good concrete residential building. In the property of the 9th respondent, a coconut tree is also situated. According to the petitioner, this coconut tree is causing severe damage to the petitioner and his family. The petitioner submitted Ext.P2 complaint to the 8th respondent, but there was no response; hence, he approached the 5th respondent with a complaint, as evident from



Ext.P3. The 5th respondent called for a report from the Village Officer, Karakulam, and subsequently a report was filed by the Village Officer, Karakulam, as evident by Ext.P4. Even then, there was no action, is the submission. Thereafter, the petitioner obtained Ext.P5 proceedings of the Panchayat, in which it is stated that there is no danger to the petitioner because of the coconut tree, and the leaning of the coconut tree towards the property of the petitioner can be cured by tying the coconut tree using an iron string towards the side of the 9th respondent's property. The petitioner is not satisfied with the same. Petitioner also obtained Ext.P6 information under the Right to Information Act. It is submitted that thereafter again the nuisance from the part of the 9th respondent continued, and as directed by the 8th respondent, Panchayat, the 9th respondent tied the coconut tree to the beam of his house and a protective net was placed to prevent the falling of coconuts to the petitioner's property. But again, the coconuts are falling on the upper portion of the car porch of the 9th respondent after bouncing, and they are falling towards the petitioner's property and causing heavy damage to his two cars parked on the eastern boundary of his property. According to the



petitioner, even though he approached the Revenue Department, the Panchayat, etc., there was no response; hence, the petitioner approached the Ombudsman for Local Self Government Institutions, as evident from Ext.P7. The 8th respondent submitted a report to the Ombudsman, as evidenced by Ext. P8. Thereafter, the Ombudsman also disposed of the case in accordance with Ext.P9. Even then, the petitioner remains unsatisfied. Hence, this writ petition is filed.

3. Heard counsel for the petitioner and the Government Pleader. I also heard the counsel appearing for the Panchayat and the 9th respondent.

4. When this writ petition came up for consideration, the petitioner submitted that he is ready to take out an Advocate Commission to prove his case. This Court observed that the petitioner must pay substantial remuneration to the Advocate Commissioner if he intends to take out a commission. The petitioner was ready to pay the remuneration. Hence, this Court appointed Advocate Sachin George Aramban as Commissioner and Rs. 1,00,000/- was fixed as remuneration. The petitioner readily paid Rs 1,00,000/-.



5. The Advocate Commissioner, Mr Sachin, submitted a detailed report with photographs showing the position of the coconut trees, and the position of the residential house of the petitioner and the 9th respondent. The Advocate Commissioner reported that the coconut tree is situated in the property of the 9th respondent, in close proximity to the compound wall separating the petitioner's and the 9th respondent's properties. The Advocate Commissioner also stated that the tree appears well-rooted. Although the lower portion of the trunk is comparatively thinner than the upper portion, the Commissioner submitted that it does not presently pose an imminent danger of falling. The Commissioner also reported that the coconut tree is tied with an iron string within the 9th respondent's property, and as a result, the tree has slightly inclined towards the 9th respondent's property. The commissioner also submitted that, although such tying cannot be considered a permanent remedy, it has, to date, caused the tree to lean away from the petitioner's property. The commissioner also opined that periodical tightening of the iron string would likely result in the tree being further inclined towards the 9th respondent's property. The Advocate Commissioner



further reported that the net placed around the tree presently serves as a protective measure against the danger apprehended by the petitioner. If the width of the net is further extended and periodic cleaning of the tree is carried out, the same would constitute an effective remedial measure for safeguarding the petitioner and the petitioner's property. The Commissioner produced the photographs showing the protective net in existence now. From the report, it is clear that the coconut tree had about 30-35 tender coconuts at the time of the Advocate Commissioner's inspection. In the work memo, the petitioner asked the Commissioner to report whether the Panchayat has taken any measures to address the danger as directed by the Ombudsman. Upon verification with the Panchayat officials, the Commissioner was informed that the Panchayat Secretary had directed the 9th respondent to extend the iron net and that a periodical inspection would be conducted. The conclusion of the Advocate Commissioner's report is in paragraph No.9, and the same is extracted hereunder:

" 9. It is submitted that from the aforesaid findings, the advocate commissioner suggests that if the width of the iron net is increased; and if routine and periodic cleaning of the tree is continued, the



dispute may be effectively resolved. However, if the tree is not periodically maintained and the net is not adequately extended, there exists a possibility that dried leaves or coconuts may fall into the petitioner's property. The petitioner may, therefore, not object to reasonable extension of the iron net on the ground of aerial encroachment, if such extension is necessary for safety."

6. Petitioner is also dissatisfied with the above report of the commissioner. Hence, the petitioner filed an objection to the Commissioner's report, accompanied by a pendrive containing two videos. The video shows that, while a coconut tree climber was cleaning the coconut tree, one palm accidentally fell onto the boundary wall separating the petitioner's property and the 9th respondent's property and thereafter fell to the front yard of the petitioners' property. The poor coconut tree climber, by leaning towards the petitioner's property as a gymnast from the boundary wall, took it with the help of another person (probably the 9th respondent) without touching the land of the petitioner; treating it as enemy property is the scene! This shows the parties' enmity.

7. Ext.P5 is proceedings of the Panchayat dated 18.09.2024. It will be better to extract the contents in Ext.P5:

"നമ്പർ:എസ്.സി.2-7233/2024

തീയതി :18.09.2024



2026:KER:44156

പ്രേക്ഷിതൻ

സെക്രട്ടറി,

കരകളം ഗ്രാമപഞ്ചായത്ത്.

സ്വീകർത്താവ്,

ശ്രീ.ഗോപിനാഥ്. ആർ

രോഹിണി, പി.ആർ.എ. 6 എ

പുരവൂർക്കോണം, വഴയില, കരകളം പി.ഒ

സർ,

വിഷയം : കരകളം ഗ്രാമപഞ്ചായത്ത് - തദ്ദേശ അദാലത്ത് 2024 അപകടകരമായ രീതിയിൽ നിൽക്കുന്ന തെങ്ങ് മുറിച്ചു മാറ്റണമെന്നുള്ള പരാതി സംബന്ധിച്ച്

സൂചന : തദ്ദേശ അദാലത്ത് സമിതിയുടെ 21.08.2024-ലെ തീരുമാനം

തദ്ദേശ അദാലത്ത് സമിതിയുടെ തീരുമാന പ്രകാരം ശ്രീ രഞ്ജിത്തിന്റെ പുരയിടത്തിലെ പരാതിയ്ക്ക് ആസ്പദമായ തെങ്ങ് മറിഞ്ഞ് വീണ് അപകടം സംഭവിക്കാനുള്ള സാധ്യതയില്ലായെന്നും, മൂന്ന് മാസത്തിനുള്ളിൽ തെങ്ങിന്റെ മുകൾഭാഗം പരാതിക്കാരന്റെ പുരയിടത്തിൽ നിന്നും പൂർണ്ണമായി നീങ്ങുന്നുണ്ടോയെന്ന് പരിശോധിച്ച് ആയതിന്റെ അടിസ്ഥാനത്തിൽ തുടർ നടപടി സ്വീകരിക്കുന്നതിന് സെക്രട്ടറിയെ ചുമതലപ്പെടുത്തി പരാതി തീർപ്പാക്കിയ വിവരം അറിയിക്കുന്നു."

8. Ext.P9 is the decision of the Ombudsman. The concluding portion of Ext.P9 is extracted hereunder:

"നിലവിൽ തെങ്ങിൽ സ്ഥാപിച്ചിട്ടുള്ള കർവ് ഷെയിപ്പിലുള്ള നെറ്റ് 1-ാം എതുകക്ഷിയുടെ വസ്തുവിലേയ്ക്കുള്ള നെറ്റിന്റെ വ്യാസം വർദ്ധിപ്പിച്ച് പ്രശ്നം പരിഹരിക്കുവാൻ സെക്രട്ടറിയെ ചുമതലപ്പെടുത്തി ഉത്തരവാകുന്നു. ഈ



2026:KER:44156

വിഷയം സംബന്ധിച്ച് പരാതിക്കാരന് എന്തെങ്കിലും സാമ്പത്തിക നഷ്ടം ഉണ്ടാവുകയാണെങ്കിൽ പരാതിക്കാരന് നഷ്ടപരിഹാരം നൽകേണ്ടിവരും എന്നുള്ള കാര്യം എത്രകക്ഷികളെ ഓർമ്മിപ്പിക്കുന്നു. പരാതി തീർപ്പാക്കി ഉത്തരവാകുന്നു."

9. The report of the Advocate Commissioner would show that the Panchayat has taken steps based on Ext.P9. The above facts show that there is absolutely no bona fides in the petitioner's contentions. As I mentioned earlier, the present case is a classic example of unnecessary litigation arising out of a trivial neighbourhood dispute that has unfortunately travelled from the local authority, the revenue authority, the Ombudsman, and to this court. At a time when the courts are overburdened with serious civil, criminal, and other matters, judicial time is wasted in this manner by arguing this case. The grievance of the petitioner, even if bona fide at some stage, has clearly been magnified by the personal differences and ego clashes between neighbouring families. The court of law exists to resolve genuine disputes where rights are truly threatened, not to validate exaggerated apprehensions born out of strained relationships. The neighbours are expected to live in mutual



trust and co-operation, especially when they must share boundaries, roads, and resources in a close-knit community. The law cannot substitute basic neighbourly goodwill. The Holy Bible Mathew 22:39 says like this:

“രണ്ടാമത്തെ കൽപനയും ഇതിനതുല്യം തന്നെ. അതായത്, നിന്നെപ്പോലെ നിന്റെ അയൽക്കാരനെയും സ്നേഹിക്കുക.

English Translation :

The second commandment is like it: Love your neighbour as yourself.”

Let the petitioner and the 9th respondent read the above holy words from the Bible and sit together over coffee or tea to resolve the dispute. This Court is not inclined to interfere in this matter. The Ombudsman for LSGI has already issued the necessary direction to the 8th respondent. The 8th respondent will monitor whether there is any genuine danger to the petitioner arising from this coconut tree in the future as well.

10. The counsel for the petitioner submitted that there may be a direction to the 8th respondent to take immediate action as



envisaged under Section 238 of the Kerala Panchayat Raj Act, 1994 (for short Act 1994). I am of the considered opinion that there is nothing to consider by the 8th respondent invoking the powers under Section 238 of the Act 1994 in this case. Section 238 of the Act 1994 is applicable only if any tree, or branches, or portion of trees or fruits of a tree is likely to fall and thereby endanger any person or any structure or any cultivation, and at that stage, the Panchayat can take necessary steps. In the light of Ext.P5 and in the light of the directions issued by the Ombudsman in Ext.P9, and also in the light of the report of the Advocate Commissioner, I am of the considered opinion that there is absolutely no danger because of the existence of the coconut tree in the property of the 9th respondent. If the protective net already placed in the coconut tree is to be further extended, the 8th respondent can issue necessary directions to the 9th respondent.

11. This is a fit case in which cost is to be imposed on the petitioner and the 9th respondent for wasting judicial time. But this court cannot take such harsh steps as the parties in this case are doing. Hence, taking a lenient view, I exonerate them from the cost.



2026:KER:44156

Let Jesus Christ shower them with blessings to follow the Holy Bible, Matthew 22:39. The petitioner and the 9th respondent should remember that only neighbours will be there when an emergency arises. Keeping the same in mind, as I said earlier, let them settle the enmity on this silly problem over a cup of tea or coffee.

With the above observation, this writ petition is disposed of.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

SKS/SSG

Judgment reserved	NA
Date of judgment	18.06.2026
Judgment dictated	18.06.2026
Draft Judgment Placed	18.06.2026
Final Judgment Uploaded	22.06.2026



APPENDIX OF WP(C) NO. 24843 OF 2025

PETITIONER EXHIBITS

- | | |
|-------------|--|
| Exhibit P1 | A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE LAND TAX DEPARTMENT TO THE PETITIONER DATED 04.06.2025 |
| Exhibit P2 | A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 8 TH RESPONDENT PANCHAYAT ALONG WITH ACKNOWLEDGMENT DATED 06.07.2023 |
| Exhibit P3 | A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 5 TH RESPONDENT REVENUE DIVISIONAL OFFICER DATED 03.06.2024 |
| Exhibit P4 | A TRUE COPY OF THE REPORT SUBMITTED BY THE 7 TH RESPONDENT TO DATED 10.06.2024 |
| Exhibit P5 | A TRUE COPY OF THE PROCEEDINGS OF THE 8 TH RESPONDENT PANCHAYAT DATED 18.09.2024 |
| Exhibit P6 | A TRUE COPY OF THE COMMUNICATION ISSUED BY THE STATE INFORMATION OFFICER TO THE PETITIONER DATED 28.10.2024 |
| Exhibit P7 | A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 1 ST RESPONDENT OMBUDSMAN DATED 19.04.2024 |
| Exhibit P8 | A TRUE COPY OF THE REPORT SUBMITTED BY THE 8 TH RESPONDENT BEFORE THE 1 ST RESPONDENT DATED 22.11.2024 |
| Exhibit P9 | A TRUE COPY OF THE PROCEEDINGS OF THE 1 ST RESPONDENT DATED 27.11.2024 |
| Exhibit P10 | TRUE COPIES OF THE PHOTOGRAPHS |

RESPONDENT EXHIBITS

- | | |
|-------|--|
| C1(a) | A true copy of the photograph showing the nature and lie of the tree |
| C1(b) | A true copy of the photographs showing the scattered immature coconut in the petitioner's compound |
| C1(c) | A true copy of the photograph evidencing the placing of iron net |
| C1(d) | A true copy of the photograph showing that the tree is tied towards the 9th respondent's property |

PETITIONER EXHIBITS

WP(C) NO.24843 OF 2025

16



2026:KER:44156

Exhibit P11

**TRUE COPY OF THE PEN-DRIVE CONTAINING
THE CCTV FOOTAGES CAPTURED AT 3.32 PM
AND 3.39 PM ON 10-2-2026**

Exhibit P12

**TRUE COPY OF THE PHOTOGRAPHS TAKEN ON
10-2-2026**