

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,  
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,  
Hon'ble Chairperson**

Dated this the 21st January, 2010.

H.R.M.P.No.74/2009

Petitioner :. Krishnan, Meppukkatil,  
Maradi Kara, Maradi Village,  
Muvattupuzha Taluk

Respondent :. Joseph, Puthenpurackal,  
East Masradi Kara, Maradi Village.

**ORDER**

The Complaint of the petitioner is that he and his family are suffering as the waste water from the premises of the respondent is flowing to his property and also a coconut tree standing in the property of the respondent is posing threat. The Revenue Divisional Officer (RDO), Muvattupuzha, has not taken any action on his complaint.

In the report submitted by the District Collector, Ernakulam, it is stated that the Village Officer after his spot visited reported that the coconut tree belongs to the respondent and the flow of the waste water from his premises are causing threat and nuisance to the petitioner. According to the report, the RDO also visited the place in question and found that the allegations made by the petitioner are true and the RDO has reported that in respect of the dispute between the parties respondent filed O.S.333/08 before the Munsiff Court, Muvattupuzha, which issued an injunction order. In the report it is further stated that the

petitioner also filed a petition before the Police who directed the respondent to cut and remove the coconut tree and the parties were also advised to act as per the order of the Court and the respondent cut and removed the coconut tree and that the petitioner admitted before the RDO that the respondent cut and removed the coconut tree.

In the report the District Collector has stated that the RDO, Muvattupuzha, informed him that as civil proceedings are pending in the matter no action can be taken by him.

In view of the above report no further orders can be passed by this Commission as the matter not only relates to civil dispute but it also had become subjudiced

The petition is hence closed.

Justice N. Dhinakar,  
Chairperson.