



2026:KER:37032

"CR"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 29TH DAY OF MAY 2026 / 8TH JYAISHTA, 1948

WP(C) NO. 17267 OF 2026

PETITIONER/S:

GIGI VARGHESE
AGED 45 YEARS
THARAYIL PUTHENVEEDU PALLARIMANGALAM,
MAVELIKKARA, PALLARIMANGALAM P.O., PIN - 690107

BY ADVS.
SRI.SADCHITH.P.KURUP
SMT.AKSHARA RAVI

RESPONDENT/S:

- 1 THE VILLAGE OFFICER
THEKKEKKARA VILLAGE OFFICE PALLARIMANGALAM P.O.,
ALAPPUZHA, PIN - 690107
- 2 MAVELIKKARA THEKKEKKARA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY MEVALIKKARA
THEKKEKKARA GRAMA PANCHAYATH OFFICE,
PALLARIMANGALAM P.O. ALAPPUZHA, PIN - 690107

BY ADV.
SRI.K.JANARDHANA SHENOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29.05.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2026:KER:37032

WP(C) NO.17267 OF 2026

2

"CR"

P.V.KUNHIKRISHNAN, J

W.P (C) No.17267 of 2026

Dated this the 29th day of May, 2026

JUDGMENT

As Kerala steps into a new academic year this June, our newspapers are filled not only with stories of hope but with heartbreaking reports of school-going children and even elders dying from snake bites almost every day. One of the major man-made causes is vacant, unattended residential plots in residential areas choked with wild vegetation and tall grass, which are silently turning into ideal breeding grounds for snakes. When such negligence begins to cost human lives, the issue is no longer a mere nuisance but a public safety emergency. In such a situation, who must act and how soon? In such situations, I am of the considered opinion that the jurisdictional Grama Panchayat has a major role to abate such nuisances. If a vacant plot, which is completely overgrown with vegetation and wild grass, transforms it into a breeding ground for venomous snakes and the same becomes a threat to the life of the residents of nearby houses, whether the Panchayat can wash its hands without doing anything,



saying that the property owner is not identified, is the point to be decided in this case. The prayers in this Writ Petition (C) are as follows:

" A. Issue a Writ of Mandamus or any other appropriate Writ, order, or direction, commanding the 1st Respondent to immediately identify the owner of the property adjacent to the Petitioner's residence and forward the details to the 2nd Respondent within a strict time frame to be fixed by this Hon'ble Court.

B. Issue a Writ of Mandamus directing the 2nd Respondent to immediately clear or cause to clear the overgrown grass and wild vegetation in the adjacent property to abate the danger of snakes and other dangerous creatures, either by issuing notice to the owner or via independent execution at the owner's cost.

C. Petitioner also prays that this Honourable Court may be pleased to dispense with the translation of the vernacular documents produced in the vernacular language.

D. Grant such other reliefs, which are deemed fit and proper in the facts and circumstances of the case."

[SIC]

2. The Petitioner is residing along with his elderly parents at Mavelikkara, Alappuzha District. Immediately adjacent to their residence lies an abandoned plot, completely overgrown with vegetation and wild grass, and as I mentioned earlier, it is a dangerous breeding ground for venomous snakes. This creates a constant and imminent threat to the lives of the petitioner and his



4

vulnerable family. To abate the same, the petitioner submitted the grievance through the Chief Minister's portal, as evident from Ext.P1, which was forwarded to the 2nd respondent, the Grama Panchayat. Although the panchayat's inquiry confirmed the public nuisance, it informed the petitioner by Exts.P2 and P3 that, they could not identify the owner and requested the 1st respondent, the Village Officer, to provide the ownership details from the revenue records. Despite the gravity of this situation, the 1st respondent failed to provide the details as far as the serious threat to the life of the petitioner and his parents is concerned, is the grievance. Hence, this writ petition.

3. Heard the counsel for the petitioner and the Government Pleader. Even though notice is issued to the Panchayat, there is no appearance for the Panchayat.

4. This court perused Exts.P2 and P3. A perusal of the same would show that the panchayat is not taking any action because the owner of the property where the nuisance is admittedly present is not known. According to the panchayat, only after knowing the person in possession of the property or its owner, they can take action. I am of the considered opinion that this is not the manner in which the panchayat has to act. After a



casualty, there is no point in doing the same. Swift action is necessary from the side of the authorities to avoid the nuisance when the life of the citizen is in danger.

5. I think the Panchayat can invoke the inherent powers under Sections 238 and 239 of the Kerala Panchayat Raj Act, 1994 (for short Act 1994) in such a situation, and those Sections are extracted hereunder:

“238. Precautions in case of dangerous trees and pruning of hedges and trees.

(1) (a) If any tree or any branch or portion of a tree or the fruits of any tree be deemed by the village panchayat to be likely to fall and thereby endanger any person or any structure or any cultivation, the Village Panchayat may by notice require the owner of the said tree to secure, lop or cut down the said tree or remove the fruits thereof so as to prevent any danger there from.

(b) If immediate action is necessary, the village panchayat shall itself before giving such notice or before the period of such notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as it thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the same manner as an arrear of public revenue due on land.

(c) If any tree or the branch thereof in the opinion of the village panchayat, causes pollution to the drinking water of a well or tank, the village panchayat may, by notice, require the owner of such tree to cut down and remove such tree or branch thereof.

(2) The Secretary of a village panchayat may, without notice. -

(a) trim or prune any hedge bordering on a public street so that it may not exceed such height from the level of the adjoining roadways as may be provided for this purpose; or



6

(b) cut and trim any hedge or tree overhanging the said trees and obstructing it or the view of traffic or causing damage to it; or

(c) remove fallen trees on public roads and waterways which obstruct traffic.

239. Power of Panchayat for carrying out their functions. -

(1) A Panchayat shall exercise all the powers conferred on, and perform all the functions entrusted to that Panchayat by or under this Act or any other law and shall also exercise such other powers and perform such other functions as may be conferred on or entrusted to it by the Government for carrying out the provisions of this Act.

(2) A Panchayat shall have power to do all acts necessary for and incidental to, carrying out the functions entrusted or delegated to it.

(3) Without prejudice to the generality of the foregoing power, a village panchayat shall have power, -

(a) to require by notice, the owner or occupier of any land or building which is a nuisance to the neighbourhood on account of -

- (i) its insanitary conditions; or
- (ii) the collection of any drainage, filth or stagnant water thereon; or
- (iii) the existence of wild or noxious vegetation thereon; or
- (iv) the presence of poisonous reptiles or other harmful animals or insects,

(b) to take such action as it deems necessary to abate the nuisance within a reasonable period to be specified in such notice;

(c) to prohibit the use of the water of any stream, well, pond or any other excavation believed to be dangerous to public health; and

(d) to regulate or prohibit the watering of cattle or bathing or washing in any stream, well, pond or other excavation reserved for drinking water.”

6. Section 238 of the Act 1994 says about the precautions in case of dangerous trees and pruning of hedges and trees. Here,



7

in this case, it is not trees but overgrown vegetation and wild grass. But in Section 238(1)(b) of the Act 1994, the Village Panchayat can lop or cut down dangerous trees, if the situation warrants, without notice to the owner of the property, and the cost of so doing can be recovered from the owner in the same manner as an arrear of public revenue due on land.

7. Moreover, Section 239 (3)(a)(iii) & (iv) of the Act 1994 says that the Village Panchayat shall have the power to require by notice to the owner of a property, if there is a nuisance to the neighbourhood on account of the existence of wild or noxious vegetation thereon or the presence of poisonous reptiles or other harmful animals or insects. Section 239 (3)(b) says that a village panchayat shall have the power to take such action as it deems necessary to abate the nuisance within a reasonable period. Here, the panchayat is unaware of the property owner and is therefore delaying the matter, saying that a notice to the owner is necessary before removing the nuisance. Because of this inaction, the life of the petitioner is in danger. In such a situation, common sense should prevail over the intricacies of the law. Local self-government institutions cannot sit as silent spectators. In this case, the reading of the writ petition would show that there is



danger to the life of the petitioner and his parents. Therefore, I am of the considered opinion that the Panchayat should remove the nuisance stated by the petitioner in his adjacent property forthwith, without searching for the owner of the property, and the cost of doing so can be recovered from the original owner if he is ultimately found. A combined reading of Sections 238 and 239 of the Act 1994 makes it clear that the panchayat has such power in such an immediate situation. Therefore, it is declared that, if any such genuine complaints are received, the Jurisdictional Gram Panchayat should act swiftly, and if the owner of the property is not known, the panchayat should remove such nuisance forthwith and thereafter recover the cost of doing so from the original owner if he is ultimately found. These directions are binding on all local self-government institutions in the state of Kerala.

In the light of the above discussion, this Writ Petition is allowed in the following manner:

1. The 2nd respondent is directed to clear the overgrown grass and wild vegetation in the adjacent property of the petitioner to abate the danger of snakes and other dangerous creatures forthwith, at any rate, within a period of 10 days



2026:KER:37032

WP(C) NO.17267 OF 2026

9

from the date of receipt of a certified copy of this judgment.

2. Once the details of the owner of the property are obtained, the panchayat can recover the cost of doing so from the original owner in the same manner as an arrear of public revenue due on land.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

SSG

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|-------------------------|------------|
| Judgment reserved | NA |
| Date of judgment | 29.05.2026 |
| Judgment dictated | 29.05.2026 |
| Draft Judgment Placed | 01.06.2026 |
| Final Judgment Uploaded | 01.06.2026 |



2026:KER:37032

WP(C) NO.17267 OF 2026

10

APPENDIX OF WP(C) NO. 17267 OF 2026

PETITIONER EXHIBITS

- Exhibit P1** **A TRUE COPY OF THE FORMAL REPRESENTATION BEARING GRIEVANCE NO. G2260400911 DATED 24.4.2026 BY THE PETITIONER BEFORE THE CMO PORTAL**
- Exhibit P2** **A TRUE COPY OF THE LETTER DATED 2.5.2026 ISSUED BY THE 2 ND RESPONDENT TO THE PETITIONER**
- Exhibit P3** **A TRUE COPY OF THE LETTER DATED 8.5.2026 ISSUED BY THE 2 ND RESPONDENT TO THE PETITIONER**