

ITEM NO.53

COURT NO.2

SECTION XI -A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 33458/2017

(Arising out of impugned final judgment and order dated 28-11-2017 in WP(C) No. 18458/2017 passed by the High Court of Kerala at Ernakulam)

SREEKUMAR T. S.

Petitioner(s)

VERSUS

COCHIN DEVASWOM BOARD &amp; ORS.

Respondent(s)

Date : 11-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Basant R., Sr.Adv.  
Mr. Raghenth Basant, Adv.  
Ms. Aanchal Tikmoni, Adv.  
Ms. Liz Mathew, AOR

For Respondent(s) Mr. P.V. Dinesh, Adv.  
Ms. Sindhu T.P., Adv.  
Mr. Bineesh K., Adv.  
Mr. R. Beniwal, Adv.  
Ms. Arushi Singh, Adv.  
  
Mr. Venkita Subramanian TR, Av.  
Mr. Sree Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The dispute essentially is based on the claim of a right of easement by the petitioner. The first respondent is a public body. Therefore the petitioner has chosen to approach the High Court by way of a writ petition and suffered an adverse order.

Hence this special leave petition.

We do not see any reason to interfere with the impugned order. Having regard to the nature of the dispute between the parties, we deem it appropriate to permit the petitioner to approach the Civil Court. If the petitioner chooses to approach the Civil Court., the claims of the petitioner and the respondents would be adjudicated by the Civil Court uninfluenced by any observations made in the order under appeal.

The special leave petition is dismissed accordingly.

(USHA RANI BHARDWAJ)  
AR CUM PS

(RAJINDER KAUR)  
BRANCH OFFICER