
(2019) 05 KL CK 0023

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 10050 Of 2019

A.C.Kurian@Kuttan

APPELLANT

Vs

Idukki District Panchayat

RESPONDENT

Date of Decision : 24-05-2019

Acts Referred:

Citation : (2019) 05 KL CK 0023

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : Sheeja P.D, Princy Xavier

Final Decision : Disposed Off

Judgement

1. According to the petitioner, he is a member of a Scheduled Caste community and a physically handicapped person, conducting a tea shop in a small bunk allotted by the 1st respondent on lease. According to him, the shop was completely submerged in the flood that struck in the State of Kerala during the year 2018 and thereupon, after the flood petitioner could not conduct the business in full swing, since all the articles inside the bunk shop was damaged. Apparently, some action was initiated against the petitioner by the 1st respondent, consequent to expiry of the period in terms of the contract entered into by and between the parties. Thereupon, petitioner has submitted Ext.P5 representation seeking extention of the time period granted to the petitioner to run the tea shop. While so, now Ext.P6 notice is issued dated 25.04.2019, whereby petitioner is directed to vacate the premises, failing which forcible action will be taken to evict the petitioner from the premises in question. These are the basic background facts available for consideration of the relief sought for by the petitioner. Even though notice is served on the 1st respondent, there is no appearance.

2. In that view of the matter, this writ petition is disposed of directing the 1st respondent to consider Ext.P5 representation, in accordance with law, and attain

finality at the earliest and at any rate, within one month from the date of production of the judgment by the petitioner, after providing an opportunity of hearing to the petitioner, till such time coercive action threatened under Ext.P6 dated 25.04.2019 will remain suspended. Petitioner is also directed to produce copy of the writ petition along with the documents before the respondent for appropriate action.

The writ petition is disposed of, accordingly.

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 THE TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 8.6.2017.

EXHIBIT P2 THE TRUE COPY OF THE RENT DEED EXECUTED BETWEEN THE PETITIONER AND 1ST RESPONDENT DATED 22/2/17.

EXHIBIT P3 THE TRUE COPY OF THE BILL SHOWING THE AMOUNT SPEND BY THE PETITIONER FOR RECONSTRUCTING THE BUILDING DT EXHIBIT P4 THE TRUE COPY OF THE DISABILITY CERTIFICATE OF THE MEDICAL BOARD DT. 19/10/2010.

EXHIBIT P5 THE TRUE COPY OF THE REPRESENTATION SEND TO THE 1ST AND 2ND RESPONDENT AND MINISTER FOR LSGD.

EXHIBIT P6 THE TRUE COPY OF THE NOTICE NO.T/236/02/IDA DATED 25.04.2019 ISSUED BY THE 1ST RESPONDENT.