

(2021) 06 KL CK 0431
In the High Court Of Kerala
Case No : Writ Petition (C) No. 1938 Of 2021

Ani Bindhu

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 28-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0431

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : C.Y.Vinod Kumar, C.Anilkumar, K.T.Thomas, Ravikrishnan

Final Decision : Disposed Of

Judgement

Sathish Ninan, J

1. Shop room bearing No.210 at the Nehru Park Avenue, belonging to the second respondent Municipality, was taken on lease by the petitioner in the year 2013. The petitioner has surrendered the lease and has handed over the key to the Municipality as is evidenced by Ext.P6. The request of the petitioner is to re-fund the deposit amount made by him with the second respondent, after appropriating the arrears of rent. The learned counsel for the petitioner submits that, while calculating the arrears, the second respondent may consider the fact that in view of the lock down imposed consequent on the Covid-19 Pandemic, the petitioner could not conduct business in the shop room in question, and hence appropriate remission/ deduction in rent may also be granted. It is for the petitioner, to make such a request before the second respondent. It shall be open for the petitioner to make a fresh request to the second respondent Municipality for refund of the deposit amount and also seeking remission of rent.

2. The writ petition is disposed of directing that, if the petitioner makes an application seeking remission of rent and for return of deposit after adjustment of rent as noticed above, the same shall be considered, orders passed and the balance amount refunded, as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this judgment.