

(2022) 05 KL CK 0198

In the High Court Of Kerala

Case No : Writ Petition (C) No. 10264 Of 2022

Padma V Kumar

APPELLANT

Vs

Changanacherry Municipality Represented By Its Secretary,
Changanacherry, Kottayam District, Pin 686101

RESPONDENT

Date of Decision : 31-05-2022

Acts Referred:

Citation : (2022) 05 KL CK 0198

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : S.Jayakrishnan, M.P.Madhavankutty

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with following prayers:

i. Issue a writ of certiorari or any other appropriate writ, order or direction, to call for the records leading to Exhibit P1 and quash the same.

ii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the respondents not to remove the petitioner from Room No.34 of the 1st respondent's Municipal Arcade.

iii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondents to grant installment facility to the petitioner for remitting the arrears of rent.

iv. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider and dispose of Exhibit P3 appeal petition as early as possible after affording an opportunity of being heard.

v. Issue such other order or direction as this Honorable Court may deem fit and proper in the facts and circumstances of the case. (SIC)

2. Grievance of the petitioner is mainly against Ext.P1 order of the 1st respondent Municipality by which there is a direction to the petitioner to pay arrears of rent. Otherwise, it is stated that he will be evicted from the premises.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. The learned Standing Counsel submitted that the premises is already taken possession by the Municipality on 24.05.2022. The petitioner was conducting a coaching centre in the premises. The learned counsel for the petitioner submitted that the certificates of students who were pursuing their studies in the institution are there in the office and unless the same is returned, that will affect the future of the children. The learned counsel submitted that even though this Court directed to deposit an amount of Rs.2 lakhs, because of the financial stringency, he was able to pay only Rs.one lakh. Some time is necessary for paying the balance arrears of rent. The learned counsel also submitted that the coaching centre is being conducted by the petitioner for the last 30 years.

5. Since the petitioner has not complied the directions of this Court, the Municipality already taken possession of the premises. Now the petitioner want some leniency as far as the arrears of rent and he also seeks a direction to the Municipality to return the certificates of the students which is kept in the office premises.

6. The petitioner is free to file a representation for getting the certificates and for getting time to pay the arrears of rent. If such a representation is received, the 2nd respondent can be directed to consider the same. The learned counsel for the petitioner submitted that Ext.P3 is a statutory appeal. The 2nd respondent can be directed to consider Ext.P3 also along with the representation to be filed by the petitioner.

Therefore, this writ petition is disposed of in the following manner:

1. The 2nd respondent is directed to consider and pass appropriate orders in Ext.P3 in accordance to law, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

2. The petitioner is free to file an additional representation narrating his further grievance within two weeks from the date of receipt of a copy of this judgment.

3. Once such a representation is received, the 2nd respondent will consider that representation also along with Ext.P3 appeal and pass appropriate orders in accordance to law, within the same time prescribed in direction No.(1).