

(2021) 11 KL CK 0210
In the High Court Of Kerala
Case No : Writ Petition (C) No. 20582 Of 2021

T. Jayakrishnan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 29-11-2021

Acts Referred:

Citation : (2021) 11 KL CK 0210

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

Bench : Single Bench

Advocate : J.G.Syamnath, Rashmi.K.M

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers:

"A] A writ of mandamus directing the 7th respondent to hand over the vacant possession of the buildings and the properties appurtenant thereto belonging to the petitioners, within a minimum time limit to be fixed by this Hon'ble Court.

B] A writ of mandamus directing the 7th respondent to immediately release the withheld rent amounts for the past 5 years.

C] A writ of mandamus directing the respondents nos. 1 to 6 to initiate disciplinary proceedings against the 7th respondent for her deliberate disobedience to the specific directions to hand over the vacant possession of the buildings to the petitioners

D] Any other appropriate writ, order or directions as this Hon'ble court deem fit on the fact and in the circumstances of the case and allow this petition with cost."

2. The grievance of the petitioners is that the 7th respondent is not handing over the keys of the building, which was given to the 6th respondent Municipality in connection with the conduct of a school. It is the case of the petitioner that a

new building is already constructed, even then the rented premises of the petitioner is not vacated. Hence, this writ petition is filed.

3. Today, when the matter came up for consideration, the learned Government Pleader takes me through the statement filed by the 3rd respondent. The relevant paragraph of the statement is extracted here:

"5. The Construction of the new building in the 40 Cents is going on and the downstairs are finished. But, construction of upstairs and adjacent building will have to be completed. Which is expected to be finished by the end of next May 2022. Till then the key and School buildings cannot in any way be handed over to the petitioners as the School is re-opened."

4. In the light of the above statement, I think there can be a direction to the respondents to vacate the school building by the end of May-2022. The learned counsel for the petitioner submitted that there is rent arrears. The respondents are bound to pay the rent in accordance to law and there can be a time limit also for paying the rent. According to the learned Government Pleader, upto 2016 the rent arrears are already paid and subsequently, the rent is not fixed. Whatever that may be, rent is to be fixed and the admissible amount is to be disbursed to the petitioner immediately and the rent should be paid for future period also, till May 2022.

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

1. Respondents 6 and 7 will vacate the building of the petitioner by the end of May 2022.
2. The competent authority among the respondents will assess the rent of the building and pay the arrears as on today, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.
3. The respondents are bound to pay the rent till vacating the premises in May 2022.