

Saramma K.K vs the Accommodation Controller Appointed Under Section 3(2) of the Kerala Buildings (Lease and Rent

Saramma K.K vs the Accommodation Controller Appointed Under Section 3(2) of the Kerala Buildings (Lease and Rent

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Court : Kerala

Decided On : Jan-04-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/248/2024

Appellant : Saramma K.K

Respondent : The Accommodation Controller Appointed Under Section 3(2) of the Kerala Buildings (Lease and Rent

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 4TH DAY OF JANUARY 2024 / 14TH POUSHA, 1945 PETITIONER: SARAMMA K.K., AGED 48 YEARS, D/O. LATE KUNJUKUNJU, RESIDING AT VETTATHU VADAKKETHIL HOUSE, ELANJIMEL P.O., ELANJIMEL MURI, CHENGANNUR VILLAGE, CHENGANNUR TALUK, ALAPPUZHA DISTRICT, PIN-689 511. BY ADVS. T.MADHU C.R.SARADAMANI ROY THOMAS (PATHANAMTHITTA) RENJISH S. MENON VRINDA T.S.

AISWARYA JAYAPAL RESPONDENTS: 1 THE ACCOMMODATION CONTROLLER APPOINTED UNDER SECTION 3(2) OF THE KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965/THE TAHSILDAR KOZHENCHERY, MINI CIVIL STATION, PATHANAMTHITTA, PATHANAMTHITTA DISTRICT, PIN-689 641. 2 RAJESH KUMAR, AGED 42 YEARS, RESIDING AT LATHA BHAVAN, KOZHENCHERY TALUK, PATHANAMTHITA DISTRICT-689 641, NOW RESIDING AT A-09-16, 10, SEMENTON, BLOCK A, PENINSULA RESIDENCE, JALAN SEMENTON, KUALALAMPUR, MALAYSIA, PIN-50490. 3 AJITH KUMAR, AGED 40 YEARS, S/O.RADHAKRISHNAN, RESIDING AT LATHA BHAVAN, KOZHENCHERY TALUK, PATHANAMTHITA DISTRICT, PIN-689 641. SRI. SUNIL KUMAR KURIAKOSE, GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Dated this the 4th day of January, 2024 The limited plea of the petitioner is that 1st respondent be directed to take up Ext.P5 application, preferred by her, within a time frame to be fixed by this Court.

2. The learned Government Pleader - Sri. Sunil

Kuriakose, in response, submitted that if the petitioner only requires Ext.P5 to be taken up and disposed of, there does not appear to be any legal impediment for the respondent in doing so; but prayed that this Court may not make any affirmative declarations in her favour and leave it to the said respondent to take an appropriate decision thereon, as per law. He added that, since respondents 2 and 3 are also interested, they will require to be heard and prayed that the 1st respondent be reserved liberty for such.

3. No doubt, when this Court directs Ext.P5 to be taken up and disposed of by the 1st respondent, it should be done only in terms of law, after hearing both sides. -3-

4. Taking note of the afore submissions, I allow this

writ petition and direct the 1 st respondent to take up Ext.P5 application and dispose of the same, after affording her as also respondents 2 and 3 an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this

judgment.

5. I reiterately clarify that since this Court has not

issued notice to respondents 2 and 3, the 1 st respondent must ensure that they are totally heard and their version assessed in terms of law. This writ petition is thus ordered. Sd/- DEVAN RAMACHANDRAN JUDGE bpr -4- APPENDIX OF WP(C) 248/2024 PETITIONER'S EXHIBITS Exhibit-P1 THE TRUE COPY OF THE RENT DEED DATED Exhibit-P2 THE TRUE COPY OF THE LICENCE DATED GRAMA PANCHAYAT Exhibit-P3 THE TRUE COPY OF THE PLAINT IN O.S.NO.242/2020 ON THE FILES OF THE Exhibit-P4 THE TRUE COPY OF THE PLAINT IN O.S.NO.70/2023 ON THE FILES OF THE Exhibit-P5 THE TRUE COPY OF THE PETITION DATED

BEFORE THE FIRST RESPONDENT UNDER SECTION 13(3) OF THE KERALA BUILDING (LEASE AND RENT CONTROL) ACT 1965 Exhibit-P5(a) THE TRUE COPY OF THE RECEIPT BEARING NO.C3-567434/23 DATED 13/12/2023 ISSUED BY THE FIRST RESPONDENT

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