

Dr. B. Sidhardhan vs State of Kerala

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/22675/2023

Appellant : Dr. B. Sidhardhan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 22675 OF 2023 PETITIONER/S: DR. B. SIDHARDHAN
AGED 65 YEARS S/O BHASKARAN, LEENA BHAVAN,
CHEMMARUTHY, VADASERIKONAM, VARKALA,
THIRUVANANTHAPURAM DISTRICT, PIN - 695143 BY ADVS.
M.RAJENDRAN NAIR M.SANTHY RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY SECRETARY TO
GOVERNMENT REVENUE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2

SECRETARY TO GOVERNMENT HOME (C) DEPARTMENT,
COMPETENT AUTHORITY UNDER BUDS ACT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM -695 3 TAHSILDAR,
VARKALA TALUK OFFICE, VARKALA, THIRUVANANTHAPURAM -
695 141 4 VENUGOPAL, S/O. SREEDHARAN PILLAI HARI BHAVAN,
KARIYARA PO, KOLLAM DISTRICT PIN691

OTHER PRESENT: SRI. K.R.RANJITH, GP THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

===== W.P.(C)
No. 22675 of 2023
=====

Dated this the 1st day of August, 2023

JUDGMENT

The above writ petition is filed with following prayers:

- (i) Issue a writ of mandamus or other appropriate writ or direction, directing the 2nd and 3rd respondents to modify, limit or clarify the operation of Exhibit P4 order to the movables and other valuable assets that belong to 4th respondent situated in the building No.31/254/3 of Varkala Municipality and direct removal of those movables from the premises in a time bound manner.
- (ii) Direct the 2nd respondent to consider and pass order in Exhibit P5 representation/claim in a time bound manner.
- (iii) Dispense with production of English translation of Malayalam documents.

(iv) Grant such other relief this Honourable Court deems fit and proper in the interest of justice. (sic)

2. The petitioner is the owner of a two storied building

No.31/254/3 situated in Re-Survey No.10, Block No.118 of Varkala Village. The first floor of the building was rented out to the 4 th respondent for conducting the branch office of a financial institution in the name Kechery Chits (P) Ltd. in 2021. While so conducting -3- business, the business collapsed and the investors complained of loss of money and consequently various crimes were registered against him. By this time the rent due to the petitioner was also in arrears and he demanded the 4th respondent to vacate the building. On the complaint of investors the 2nd respondent as competent authority under the BUDS Act initiated action and a provisional order of attachment, against the assets of the 4th respondent was ordered as evident by Ext.P4. But on the guise of this order, it is submitted that the 3 rd respondent closed and sealed the building itself. Aggrieved by the same, the petitioner filed a petition before the 2 nd respondent as evident by Ext.P5. But there was no action taken in the petition is the grievance. Hence, this writ petition.

3. Heard the counsel for the petitioner and the Government Pleader. No notice is necessary to the 4 th respondent at this stage because of the way in which this writ petition is going to be disposed of. -4-

4. Admittedly the petitioner submitted Ext.P5 before the 2 nd

respondent. If that be so, there can be a direction to the 2 nd respondent to consider the same and do the needful within a time frame. 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.P5, and do the needful, complying with the provision of Section 14 and 15 of BUDS Act, as expeditiously as possible, at any rate within three months from the date of receipt of a certified copy of this judgment,

2. The petitioner will produce a stamped certified copy of

this judgment together with a copy of this writ petition before the 2nd respondent for compliance. sd/- P.V.KUNHIKRISHNAN JUDGE
das -5- APPENDIX OF WP(C) 22675/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SALE DEED DATED 27-03-2023 Exhibit P2 TRUE COPY OF THE RENEWED LEASE AGREEMENT DATED 01-04-2021 Exhibit P3 TRUE COPY OF THE LETTER BY PETITIONER TO THE 4TH RESPONDENT DEMANDING SURRENDER OF BUILDING DATED 31-03-2022 Exhibit P3(a) A REMINDER LETTER WAS ALSO SENT SUBSEQUENTLY ON 15-06-2022 AND THE COPY OF THAT LETTER Exhibit P4 THE TRUE COPY OF THE ABOVE ORDER DATED 04-11-2022 Exhibit P5 THE TRUE COPY OF THE REPRESENTATION DATED 20.02.2023 ALONG PORTAL RECEIPT

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