

Mahalakshmi, vs the Executive Engineer,

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Court : Kerala

Decided On : Jan-05-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/140/2022

Appellant : Mahalakshmi,

Respondent : The Executive Engineer,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
WEDNESDAY, THE 5TH DAY OF JANUARY 2022/15TH POUSHA,
1943 WP(C) NO. 140 OF 2022 PETITIONERS: 1 MAHALAKSHMI,
AGED 52 YEARS, W/O. CHANDRAN, QUARTERS NO.D-17, KSEB
COLONY, KALLARKUTTY, IDUKKI -685 562. 2 CHANDRAN M., AGED
54 YEARS, S/O. MARIYAPPAN, QUARTERS NO. D-17, KSEB
COLONY, KALLARKUTTY, IDUKKI-685 562. BY ADVS. RENJITH
B.MARAR LAKSHMI.N.KAIMAL ARUN POOMULLI SURABHI
SANTHOSH SRILAKSHMI NAIR R RESPONDENT: EXECUTIVE
ENGINEER, KERALA STATE ELECTRICITY BOARD LTD., OFFICE OF
THE EXECUTIVE ENGINEER, GENERATION DIVISION,

KALLARKUTTY, IDUKKI DISTRICT 685 562. BY ADV.SRI.B.PRAMOD,
SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.01.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 5th day of January, 2022 The 2nd petitioner who was an Assistant Engineer

under the Kerala State Electricity Board was allotted quarters for residential purpose. The 1 st petitioner is the wife of the 2nd petitioner. The 2nd petitioner was convicted for a criminal offence on 22.02.2020. An appeal is preferred by the petitioner. However, in the meanwhile, the petitioner was removed from service based on the conviction by

criminal court. Now the respondent has issued a notice dated 03.11.2021 directing the 2nd petitioner to vacate the

quarters allocated to him. It is aggrieved by the said order

that the petitioners are before this Court.

2. The petitioners submit that their son is studying for Plus Two Course and during the academic year if the petitioners are evicted from the quarters, the educational career of the petitioners' son will be adversely affected. Therefore the petitioners pray that Exts.P1 and P3 may be quashed and the respondent be directed to consider Ext.P2 representation submitted by the petitioner.

3. The learned Standing Counsel for the KSEB

points out that as per Ext.P3, the petitioners are liable to pay arrears of rent to the tune of `14,487/- inclusive of surcharge. The petitioners have no legal right to continue in the quarters so long as the 2nd petitioner is not in service. In the circumstances, the writ petition is liable to be dismissed, contends the learned

Standing Counsel.

4. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondent.

5. The main reason advanced by the petitioners seeking to continue in the quarters is that their son is studying for Plus Two and if before the academic year they

are forced to vacate the quarters, career of their son will be in jeopardy. Considering the facts, this Court is of the view that this is a matter that can be considered by the respondent - Executive Engineer. However, the petitioners are liable to pay arrears of rent during the period they are occupying the quarters. In the circumstances, the writ petition is disposed of

directing the petitioners to remit the arrears of rent in respect of residential quarters within a period of two weeks. If the petitioners remit the arrears within the aforesaid period of two weeks, the respondent shall consider Ext.P2 representation submitted by the petitioners for continuing in the quarters till the end of the academic year, on a compassionate basis.

Sd/- N. NAGARESH JUDGE ncd/05.01.2022 APPENDIX OF WP(C) 140/2022 PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF THE ORDER DATED 03.11.2021 DIRECTING THE PETITIONER TO VACATE THE PREMISES. Exhibit P2 TRUE COPY OF THE REPRESENTATION DATED 06.11.2021 PREFERRED BY THE 1ST PETITIONER BEFORE THE RESPONDENT. Exhibit P3 TRUE COPY OF THE ORDER DATED 22.12.2021 ISSUED BY THE RESPONDENT.

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