

Prasanna vs Accommodation Controller

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SooperKanoon Citation : sooperkanoon.com/1440100

Court : Kerala

Decided On : Jan-12-2022

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/216/2022

Appellant : Prasanna

Respondent : Accommodation Controller

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 12TH DAY OF JANUARY 2022 / 22ND POUSHA,
WP(C) NO. 216 OF 2022 PETITIONER/S: PRASANNA AGED 66
YEARS BUILDING NO. 46-1439, CHELLAM, ELECTRO PLATING,
THAMARAKULAM, KOLLAM BY ADVS. ALEX.M.SCARIA SARITHA
THOMAS RESPONDENT/S: 1 ACCOMMODATION CONTROLLER
TALUK OFFICE 2 BALAJI AGED 44 YEARS S/O HARIHARAN,
RESIDING AT KARPURAPURAM PURAYIDAM, BEACH ROAD,
KOLLAM BY ADV BALAJI(Party-In-Person) THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 12.01.2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

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W.P.(C).No.216

of

2022

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Dated this the 12th day of January, 2022

JUDGMENT

The petitioner approached the 1st respondent as per Ext.P6 in which the prayer is to get permission to do repair/restoration work of the roof in the schedule premises. It is the case of the petitioner that the 1st respondent is not considering that

application because of Ext.P9 temporary injunction order

passed by the Munsiffs Court, Kollam in OS No.561 of 2021. Hence, this writ petition is filed with following prayers: i. Issue a direction to the 1st respondent to consider and dispose of Exhibit -P6 within a reasonable time irrespective of the presence of Exhibit -P9. ii. Grant such other reliefs that may be prayed for in the circumstances of the case.

2. Heard the learned counsel for the petitioner. Even though notice was issued to the 2 nd respondent, there is no appearance. -3-

3. The main prayer in this writ petition is to consider Ext.P6 within a time frame untrammelled by any directions in Ext.P9 order. It will be better to extract the contents in Ext.P9

order passed in IA No.1 of 2021 in OS No.561 of 2021 by the

Principle Munsiffs Court, Kollam.

ORDER

The respondents restraining from causing any demolition or destruction to the plaint schedule property and from causing any repair works in the plaint schedule property except in accordance with law until further orders.

4. The order says that the respondent is restrained from

causing any demolition or destruction to the plaint schedule property and from causing any repair works in the plaint schedule property except in accordance to law until further orders. The petitioner approached the accommodation controller as per Ext.P6 for getting permission to do certain repair/restoration work. The accommodation controller is a statutory authority. The petitioner acted in accordance to law. -4- In such circumstances, even as per Ext.P9, the accommodation controller is free to consider Ext.P6. Therefore, this writ petition is disposed of in the following manner:

1. The 1st respondent is directed to consider Ext.P6 as

expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment, after hearing the petitioner and the 2nd respondent.

2. It is declared that Ext.P9 is not a bar to consider

Ext.P6 application. sd/- P.V.KUNHIKRISHNAN JUDGE
das -5- APPENDIX OF
WP(C) 216/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE
COMPLAINT DATED POLICE COMMISSIONER, KOLLAM Exhibit P2 TRUE
COPY OF THE REQUEST SUBMITTED BEFORE THE 2ND RESPONDENT
DATED Exhibit P3 TRUE COPY OF THE POSTAL RECEIPT DATED Exhibit P4
TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 12/10/2021 Exhibit
P5 TRUE COPY OF THE PROOF OF DELIVERY OF

THE POSTAL ARTICLE COVERED BY EXHIBIT- P3 RECEIPT, OBTAINED
FROM THE OFFICIAL WEBSITE OF THE INDIA POST Exhibit P6 TRUE COPY
OF THE APPLICATION DATED RESPONDENT

Exhibit P7

TRUE COPY OF THE PLAINT IN O.S.Exhibi