

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 28TH DAY OF APRIL, 2020/8TH VAISAKHA, 1942

W.P(C) TMP NO.186 OF 2020

PETITIONER:

BASHEER, AGED 42 YEARS,
S/O.SALIM, LILLI DIVISION,
PADAGIRI.P.O, NELLIYAMPATHY,
PALAKKAD.

BY ADV.SRI.JOHNSON VARIKKAPPALLIL

RESPONDENTS:

1. NELLIYAMPATHY GRAMA PANCHAYAT,
NELLIYAMPATHY.P.O, PALAKKAD.
REP BY ITS SECRETARY - 678 508.

2. THE SECRETARY,
NELLIYAMPATHY GRAMA PANCHAYAT,
NELLIYAMPATHY.P.O, PALAKKAD - 678 508.

BY SRI.K.P.HARISH, GOVT. PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
28.04.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The grievance of the petitioner is that even though he has paid the entire arrears of rent for building No.11/67 taken on lease from Nelliampathi Grama Panchayat, the Panchayat is not permitting him to execute fresh renewed rental agreement and instead is attempting to evict him from the said room. It is also his contention that he has already been evicted from room No.11/69 and that what remains with him is only 11/67. Petitioner submits that Panchayat by issuing Ext.P9 seems to have taken a wrong stand that arrears of rent as far as 11/67 is also remaining to be paid and that the petitioner has not come forward to execute the rental agreement.

2. It is submitted by the learned counsel for the petitioner that the petitioner has already filed Exts.P5 and P8 representations before the 2nd respondent and the same is pending consideration. He also submits that he has completely cleared the arrears of rent as far as room No.11/67 is concerned. However the Panchayat is not taking into reckoning the same and instead is proceeding against him on the basis arrears of rent that prevailed as against room No.11/69.

3. Whatever be the merits of the contentions, since petitioner

has filed representations as Exts.P5 and P8 before the 2nd respondent, it would suffice, if those are considered by the 2nd respondent before 01.06.2020. I direct so. Until such a decision is taken, the petitioner shall not be evicted from room No.11/67 provided petitioner deposits the rent till 31st May, 2020 for the room No.11/67 before 15.05.2020.

The writ petition is disposed of as above.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONER'S EXHIBITS :

- EXHIBIT.P1 : TRUE COPY OF THE CASH RECEIPT NO.3508137 DATED 28/03/2018.
- EXHIBIT.P2 : TRUE COPY OF THE REPRESENTATION DATED 06.06.2019 ALONG WITH ITS RECEIPT.
- EXHIBIT.P3 : TRUE COPY OF THE CASH RECEIPT DATED 04.03.2020 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT.P4 : TRUE COPY OF THE NOTICE NO. A2-4578/2019 DATED 06/12/2019 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT.P5 : TRUE COPY OF THE REPRESENTATION DATED 10.02.2020 SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXHIBIT.P6 : TRUE COPY OF THE NOTICE NO.A2-244/2020 DATED 24.02.2020 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT.P7 : TRUE COPY OF THE NOTICE NO.A2-4578/2020 DATED 03.03.2020 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT.P8 : TRUE COPY OF THE REPRESENTATION DATED 10.03.2020.
- EXHIBIT.P9 : TRUE COPY OF THE NOTICE NO.A2-4578/2019 DATED 13.03.2020 ISSUED BY THE 2ND RESPONDENT.