

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 20TH DAY OF OCTOBER 2022 / 28TH ASWINA, 1944

WP(C) NO. 32936 OF 2022

PETITIONER:

ARUN B
AGED 39 YEARS, S/O BHASI,
PROP. OF SOUHRUDAM CONSUMER SOLUTIONS LTD.,
PUTHUVAL VEEDU, CHERUNNIYOOR PO,
VARKALA, PIN- 695142.
BY ADVS.
M.R.SASITH
NEELANJANA NAIR
R.K.CHIRUTHA
RAJITHA V.K
BHAVANA K.K

RESPONDENTS:

- 1 VARKALA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MAITHANAM,
VARKALA, THIRUVANANTHAPURAM,
KERALA, PIN- 695141.
- 2 THE SECRETARY,
VARKALA MUNICIPALITY, MAITHANAM, VARKALA,
THIRUVANANTHAPURAM, KERALA, PIN- 695141.
- 3 VASUDEVAN PILLAI,
AGED 90 YEARS, MANIKANDAVILASAM,
MYTHANAM, VARKALA, PIN-695141
- 4 LEKHA CHANDRAN,
MANIKANDAVILASAM, MYTHANAM,
VARKALA, PIN-695141.
BY ADV SHRI.K.SIJU, SC, VARKALA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.10.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 20th day of October, 2022

The petitioner is a tenant of a Shoproom. The Municipal Authorities have issued Ext.P3 Vacation Notice to the earlier landlord alleging that there is violation of Building Rules in the constructions made and the former landlord was directed to remove the illegal construction.

2. The petitioner states that the said earlier landlord had transferred the property in the name of the 4th respondent, who has given the shop to the petitioner under lease arrangement. No notice has been issued to the present landlord or to the petitioner, who is occupying the Shoproom. Therefore, without hearing the landlord or the tenant, if the respondents take coercive proceedings, the petitioner will be put to untold hardship and loss.

3. Standing Counsel entered appearance on behalf of the Municipality and resisted the writ petition. The Standing Counsel submitted that the transfer of the property was made after the issuance of the notice. The petitioner is only a tenant and he has no right to challenge an order issued to the landlord. The writ petition is liable to be dismissed, contended the Standing Counsel.

4. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing respondents 1 and 2. In view of the nature of the relief being granted in the writ petition, notice to respondents 3 and 4 is dispensed with.

5. After perusing the pleadings in the writ petition, I find that the petitioner has filed Ext.P5 representation to the 2nd respondent- Secretary to the Municipality pointing out that the petitioner may also be heard in the matter.

In the facts and circumstances of the case, the writ petition is disposed of directing the 2nd respondent-Secretary

to the Municipality to consider Ext.P5 representation filed by the petitioner and take appropriate decision thereon, within a period of one month. It is made clear that this Court has not pronounced anything on the merits of the claim of the petitioner.

Sd/-
N.NAGARESH
JUDGE

spk

APPENDIX OF WP (C) 32936/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE RENT AGREEMENT DATED 7/2/22.
Exhibit P2	TRUE COPY OF THE LICENSE ISSUED BY THE VARKALA MUNICIPALITY DATED 25.04.2022.
Exhibit P3	TRUE COPY OF THE VACATION NOTICE ISSUED BY THE 1ST RESPONDENT DATED 29.09.2022.
Exhibit P4	TRUE COPY OF THE REPLY SUBMITTED BY THE 3RD RESPONDENT DATED 13.10.2022.
Exhibit P5	THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 12.10.2022.

RESPONDENT'S/S EXHIBITS : NIL