

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

OP(C).No. 1920 of 2015 (O)

**AGAINST THE ORDER DATED 05.08.2015 IN I.A.NO.1695 OF 2015 IN O.S.NO.251
OF 2014, MUNSIF COURT, CHANAGASSERY.**

PETITIONER(S):

**THE TECHNO WORLD IT KUDUMBASREE COMPUTER CENTRE AND
AKSHYA CENTRE, CHANGANASSERY UNIT REP; BY ITS SECRETARY
SMT. RASHEEDA BEEVI, AGED 46, W/O. MUHAMMED PASHA,
PUTHUPARAMBIL HOUSE, NERCHAPARA, CHANGANASSERY.**

**BY ADVS.SRI.DINESH R.SHENOY
SRI.SANIL JOSE**

RESPONDENT(S):

**THE CHANGANASSERY MUNICIPALITY
REP. BY ITS SECRETARY, MUNICIPALITY OFFICE
CHANGANASSERY - 686 101.**

**BY ADV. SRI.M.P.ASHOK KUMAR
BY ADV. SMT.BINDU SREEDHAR
BY ADV. SMT.R.S.MANJULA**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1 - TRUE PHOTOCOPY OF THE PLAINT IN OS 251/2014, MUNSIFF COURT, CHANGANASSERY.

EXHIBIT-P2 - TRUE PHOTOCOPY OF INTERIM ORDER DATED. 06.06.2014 IN IA NO. 1061/2014 IN OS 251/2014.

EXHIBIT-P3 - PHOTOGRAPHS OF THE BUILDING HOUSING AKSHAYA CENTRE AND OF THE AKSHAYA CENTRE AND ITS STAFF.

EXHIBIT-P4 - TRUE PHOTOCOPY OF THE REPORT OF THE ADVOCATE COMMISSIONER, ANEESHA SASI DATED 20.6.2014.

EXHIBIT-P5 - TRUE PHOTOCOPY OF NOTICE ISSUED BY THE PETITIONER IN CONNECTION WITH INAUGURATION OF ITS VARIOUS FACILITIES MADE AVAILABLE FOR THE BENEFIT OF THE GENERAL PUBLIC.

EXHIBIT-P6 - TRUE PHOTOCOPY OF THE CIRCULAR ISSUED BY THE DEPUTY SECRETARY TO GOVT. INFORMATION TECHNOLOGY DEPT. GOVERNMENT OF KERALA DATED 24.10.2000.

EXHIBIT-P7 - TRUE PHOTOCOPY OF THE PETITION IA NO. 1695/2015 DATED 16.7.2015.

EXHIBIT-P8 - TRUE TYPED COPY OF THE OPERATIVE PORTION OF THE ORDER DATED 05.8.2015 IN IA NO. 1695/2015 IN OS NO. 251/2014, MUNSIFF COURT, CHANGANASSERY.

EXHIBIT-P9- TRUE PHOTOCOPY OF THE E-MAIL MESSAGE DATED 5.8.2015 WITH ATTACHMENT.

RESPONDENT(S)' EXHIBITS **NIL**

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.1920 of 2015

Dated this the 11th day of September, 2015

J U D G M E N T

Petitioner was the plaintiff in O.S.No.251 of 2014 on the file of Munsiff, Changanassery. The prayer was for perpetual injunction prohibiting its eviction from the plaint scheduled property which belongs to the respondent/Municipality. The suit was dismissed. Before he could file an appeal, the respondent/Municipality evicted it. All its articles were taken into custody by the respondent. The prayer is to direct the respondent to return the articles.

2. Heard the learned counsel on either side.

3. The counter affidavit filed by the Secretary of the respondent on 09.08.2015 clearly admits taking possession of the building from the petitioner. The articles found in the building are now said to be in the custody of the respondent. The respondent is bound to return them to the petitioner. It is submitted that a commissioner was appointed by the appellate court. Delivery can be effected in his presence.

In the result, this O.P is disposed of with a direction to the respondent/Municipality to return all the articles belonging to the petitioner which have been taken into custody by it in the presence of the commissioner appointed in AS.No.156 of 2015 on the file of District Judge, Kottayam. The delivery shall be taken between 10.00 a.m and 4.30 p.m on 15.09.2015.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

H/o.

//True Copy//

PA to Judge