

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

RCRev..No. 158 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN RCA 20/2012 of RENT CONTROL APPELLATE
AUTHORITY, THALASSERY

AGAINST THE ORDER/JUDGMENT IN RCP 48/2011 of RENT CONTROL COURT,
KANNUR

REVISION PETITIONER/APPELLANT/RESPONDENT

THE ELECTRICAL INSPECTOR
OFFICE OF THE ELECTRICAL INSPECTOR, 2ND FLOOR
KAOSER COMPLEX, CALTEX JUNCTION, P O CIVIL STATION
KANNUR, 670002, KANNUR 1 AMSOM
KANNUR KARAR DESOM, KANNUR TALUK, AND DISTRICT

BY ADV. GOVERNMENT PLEADER

RESPONDENT/PETITIONER

TA ALLEMUL ISLAM TRUST
WADHIHUDA, P O PAYANGADI, KANNUR 670303
MADAYI AMSOM, DESOM KANNUR TALUK AND DISTRICT
REPRESENTED BY ITS PRESENT CHAIRMAN V K HAMZAH ABBAS
S/O.LATE ABBAS HAJI, R/A.ASHIYAMA, KOZHI BAZAR
MADAI, KANNUR 670304

R1 BY ADV. SRI.K.R..AVINASH (KUNNATH) (CAVEATOR)

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. SURENDRA MOHAN & MARY JOSEPH, JJ.

R.C.R. NO. 158 OF 2015

Dated this the 2nd July, 2015.

O R D E R

Surendra Mohan, J.

The Electrical Inspector, Office of the Electrical Inspector, Kannur is the revision petitioner. This revision is filed challenging the concurrent orders of eviction passed by the Rent Control Court, Kannur in RCP 48/2011 and confirmed by the Appellate Authority in RCA 20/2012. The respondent landlord is a Trust. The need of the landlord has been found concurrently. The bonafides of the need is under attack by the learned Special Govt. Pleader who appears for the petitioner. It is also pointed out that, the functioning of the Electrical Inspectorate is in public interest and is to be permitted, despite the need of the landlord. According to the learned Govt. Pleader it is very difficult to find a suitable

premises for the office to be shifted, especially at Kannur.

2. A caveat has been filed. The counsel who appears for the caveator opposes the contentions of the learned Special Govt. Pleader. It is contended that the need of the respondent has been concurrently found and that there are no grounds to interfere with the same in revision. According to the counsel, other suitable premises are available in the locality, for the revision petitioner to shift.

3. Having heard the counsel appearing for the respective parties at length, we are not satisfied that any interference with the concurrent findings of the authorities below require interference in revision. As a last submission, the learned Special Govt. Pleader seeks the grant of two years time for the purpose of shifting the office to a suitable place. The caveator stoutly opposes the grant of any further time. It is contended that the need of the respondent is imminent and

that the premises are needed for the educational purposes.

4. Having considered the contentions of both parties we are satisfied that it is necessary to grant time to the revision petitioner to surrender vacant possession of the premises to the landlord up to 31.3.2016 but, subject to conditions.

In the result, this RCR is ordered as follows:

i) The rent control revision is dismissed.

ii) The revision petitioner tenant is granted time up to 31.3.2016 to surrender vacant possession of the premises, on condition that the Electrical Inspector who represents the revision petitioner files an affidavit in EP 46/2015 in RCP 48/2011 before the Principal Munsiff's Court, Kannur within a period of two weeks of the date of receipt of a copy of this order, undertaking to surrender vacant possession of the tenanted premises on or before 31.3.2016. It shall be a further condition for grant of the time mentioned above that,

the revision petitioner tenant pays to the landlord rent in respect of the premises each month, without any delay or default, until vacant possession is surrendered to the landlord.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
MARY JOSEPH
Judge

jj

/True copy/

