

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 6434 of 2015 (D)

PETITIONER:

**PRASANNA PRATHAPAN,
THAMARASSERY HOUSE,
THANTHONNITHURUTHU,
MULAVUKADU P.O, ERNAKULAM.**

**BY ADVS.SRI.SHABU SREEDHARAN
SRI.N.MUHAMMAD SAJU
SRI.C.PAULOSE
SRI.SREEDHARAN KARATTA
SMT.RESHMA ABDUL RASHEED**

RESPONDENT(S):

- 1. GREATER COCHIN DEVELOPMENT AUTHORITY,
REPRESENTED BY THE SECRETARY,
KADAVANTHRA, ERNAKULAM - 682020.**
- 2. THE COMMISSIONER OF POLICE,
KOCHI CITY, REVENUE TOWER, KOCHI-682016.**

**R1 BY ADV. SRI.C.A.MAJEED, SC
R2 BY GOVERNMENT PLEADER SRI.S.JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 6434 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS;

EXHIBIT P1: THE TRUE COPY OF THE DISABILITY CERTIFICATE DATED 28.11.2008.

EXHIBIT P2: THE TRUE COPY OF THE INTIMATION LETTER DATED 30.4.2014.

EXHIBIT P3: THE TRUE COPY OF THE REPRESENTATION DATED 14.7.2014.

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 6434 of 2015

Dated this the 10th day of August, 2015

J U D G M E N T

The petitioner is the mother of a mentally retarded child having 40% mental disability, as is indicated in Ext.P1 certificate. The petitioner had been carrying on a petty business in a bunk shop of the GCDA for the last 13 years. The GCDA however notified for reauction of bunk shops and though the petitioner appeared for the auction of the particular bunk she did not make any bid.

2. The maximum bid was Rs.18,500/- rent per month. The bid was, however, not conferred on the successful bidder since the bidder did not comply with the other condition; being deposit of 12 months' rent as a security deposit.

3. In any event, considering the fact that the petitioner had been carrying on the bunk for considerable number of years and especially since the petitioner is a person who is looking after a

mentally retarded child, this Court is of the opinion that the bunk can be offered to the petitioner on the very same condition, but however, not insisting for the security deposit. The petitioner shall comply with all other conditions including execution of agreement and the payment of monthly rent as indicated above. It is made clear that the petitioner shall not alienate or transfer the bunk in any manner and if such a transfer is made, then the allotment shall be liable to cancellation forthwith by the GCDA. The petitioner shall also make an advance rent of Rs.18,500/- and shall continue paying the rent on every month in advance. It is made clear that the present order is only in the circumstance of the petitioner being the carer of a mentally retarded person.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge