

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 8102 of 2015 (K)

PETITIONER :

**JAYESH LILADHAR,
S/O.DWARAKADAS LILLADHAR, SREE BHUVAN,
WAGHJI'S ROAD, SEA-VIEW WARD, ALAPPUZHA -688 012.**

BY ADV. SRI.R.AZAD BABU

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
AGRICULTURE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. DIRECTOR OF AGRICULTURE,
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN,
THIRUVANANTHAPURAM- 695 033.**
- 3. PRINCIPAL AGRICULTURAL OFFICER,
CIVIL STATION, ALAPPUZHA -688 001.**
- 4. CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT (BUILDINGS) PUBLIC OFFICE,
MUSEUM P.O, THIRUVANANTHAPURAM- 695 033.**
- 5. ASST. EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, (BUILDINGS SUB DIVISION),
DISTRICT HOSPITAL COMPOUND, ALAPUZZHA -688 001.**

**BY ADDL. ADVOCATE GENERAL SRI.K.A.JALEEL
BY GOVERNMENT PLEADER SRI.T.P.SAJID**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE LETTER DATED 5.1.98 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P2. COPY OF THE LETTER DATED 24.7.98 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P3. COPY OF LETTER ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 27.11.99.
- EXHIBIT P4. COPY OF THE LETTER DATED 8.6.2000 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P5. COPY OF THE LETTER DATED 22.2.2000 ISSUED BY THE 3RD RESPONDENT TO THE TAHSILDAR, AMBALAPUZHA.
- EXHIBIT P6. COPY OF THE CONSENT LETTER DATED 27.8.01 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P7. COPY OF THE LETTER DATED 1.2.2002 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P8. COPY OF THE LETTER DATED 5.5.2004 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P9. COPY OF THE LETTER DATED 7.3.2006 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P10. COPY OF THE LETTER DATED 20.08.14 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P11. COPY OF THE VALUATION CERTIFICATE DATED 11.10.99 ISSUED BY THE TAHSILDAR, AMBALAPUZHA.
- EXHIBIT P12. COPY OF THE LETTER DATED 16.10.14 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P13. COPY OF THE LETTER DATED 30.07.12 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P14. COPY OF THE LETTER DATED 22.09.14 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

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P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.8102 of 2015

Dated this the 7th day of October, 2015

JUDGMENT

The petitioner is the landlord of a building bearing assessment No.XXI/338 of Alappuzha Municipality. The building was taken on lease by the Agricultural Department on 1.9.1979. This was vacated in June, 1998.

2. The petitioner submits that no rent was paid during the period of lease.

3. It is submitted by the learned Government Pleader that the rent was not paid for the reason that the rent was not fixed. It is further submitted that it is impossible to fix the rent as the building is collapsed and not in existence.

This Court is of the view, the second respondent shall obtain a report from the Public Works Department as to the rent payable for the similarly situated building in the year 1979 and fix the rent based on the report of the Public Works Department. The fifth respondent is directed to make necessary report regarding this to

the second respondent. The fifth respondent shall give necessary report to the second respondent within two months from the date of receipt of a copy of this judgment. The rent shall be fixed by the second respondent within four months from the date of receipt of a copy of this judgment. Thereafter, based on the report, appropriate decision shall be taken to release the rent to the petitioner without any delay. It shall be released atleast within two months after taking decision.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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