

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937**

**WP(C).No. 11587 of 2015 (W)**  
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**PETITIONER(S):**  
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**USHA JACOB, AGED 52 YEARS, D/O.V.G.LEELAMMA, HOUSE NO.79/KP XVIII/1160  
MAMATHA NAGAR, MARKET ROAD, KAZHAKOOTTAM P.O.  
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.R.S.KALKURA  
SRI.M.S.KALESH  
SRI.HARISH GOPINATH  
SMT.R.BINDU  
SRI.GENS GEORGE ELAVINAMANNIL**

**RESPONDENT(S):**  
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- 1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY,  
HOME DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT  
THIRUVANANTHAPURAM-695 001.**
- 2. THE HOME SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT  
THIRUVANANTHAPURAM-695 001.**
- 3. THE ASSISTANT DIRECTOR GENERAL OF POLICE  
OFFICE OF THE DIRECTOR GENERAL OF POLICE  
THIRUVANANTHAPURAM-695 001.**
- 4. THE CITY POLICE COMMISSIONER  
OFFICE OF THE CITY POLICE COMMISSIONER, VAZHUTHACAUD  
THIRUVANANTHAPURAM-695 001.**
- 5. THE CIRCLE INSPECTOR OF POLICE  
KAZHAKOOTTAM CIRCLE, KAZHAKOOTTAM-695 582.**
- 6. THE SUB INSPECTOR OF POLICE, KAZHAKOOTTAM STATION OFFICE,  
KAZHAKOOTTAM-695 582.**
- 7. SATHI @ MARKET SATHI, KATTUKULAM, KAZHAKOOTTAM P.O.  
THIRUVANANTHAPURAM-695 582.**
- 8. NAZEER, S/O.MOHAMMED ELIAS, SULOOSE MANZIL, VADAKKUMBHAGAM  
KAZHAKOOTTAM P.O., VETTUROAD  
THIRUVANANTHAPURAM-695 582.**

**R1 TO R6 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :  
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EXT.P1. TRUE COPY OF THE PLAINT IN OS NO.1041/2010 ON THE FILE OF THE  
MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P2. TRUE COPY OF THE JUDGMENT IN OS NO.1041/2010 DATED 29/3/2012 OF  
THE 2ND ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P3. TRUE COPY OF THE PLAINT IN OS NO.1755/2010 ON THE FILE OF THE  
1ST ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P4. TRUE COPY OF THE JUDGMENT DATED 30/9/2013 IN OS NO.1755/2010 ON  
THE FILE OF THE 1ST ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P5. TRUE COPY OF THE ORDER DATED 15/6/2012 IN RCP NO.36/2010 ON THE  
FILE OF THE RENT CONTROL COURT, THIRUVANANTHAPURAM.

EXT.P6. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER  
BEFORE THE 2ND, 4TH AND 5TH RESPONDENT DATED 18/3/2015.

EXT.P7. THE ENGLISH TRANSLATION OF EXT.P6 REPRESENTATION.

EXT.P8(a). TRUE COPY OF THE POSTAL RECEIPT INDICATING ISSUANCE OF EXT.P6.

EXT.P8(b). TRUE COPY OF THE POSTAL RECEIPT INDICATING ISSUANCE OF EXT.P6.

EXT.P8(c). TRUE COPY OF THE POSTAL RECEIPT INDICATING ISSUANCE OF EXT.P6.

RESPONDENT(S)' EXHIBITS :- NIL  
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/ TRUE COPY /

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J.**

**&**

**A.M. SHAFFIQUE, J.**

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W.P.(C) No. 11587 of 2015 (W)  
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Dated this the 8<sup>th</sup> day of April, 2015

**J U D G M E N T**

A.M.Shaffique, J.

The petitioner has approached this Court alleging that she, being the tenant of the 8<sup>th</sup> respondent, is being threatened and will be evicted from the tenanted premises without resorting to the provisions of law.

2. It is admitted by the petitioner that the landlord had already filed Rent Control Petition for eviction of the petitioner, and the petitioner was directed to be evicted from the premises, against which an appeal has been filed and it came to be dismissed. The petitioner is awaiting certified copy of the judgment for filing revision before the High Court and during the interregnum period the petitioner apprehends that the 8<sup>th</sup> respondent may use force and evict the petitioner. The petitioner also submits that the 8<sup>th</sup> respondent had permitted certain

persons to conduct market in the premises, which had been avoided by interference of this Court in a separate writ petition.

3. Though, complaints were given to the Police alleging threat by the 8<sup>th</sup> respondent, no action has been taken in the matter and accordingly the petitioner has approached this Court.

4. If at all, the 8<sup>th</sup> respondent has obtained an order of eviction against the petitioner, we do not think that the 8<sup>th</sup> respondent can evict the petitioner other than by due process of law. The petitioner complains that there is threat to her life. If there is any such complaint, we are of the view that the Police has to look into the matter and do the needful.

With the above observation, the Writ Petition is closed.

Sd/-  
ASHOK BHUSHAN,  
CHIEF JUSTICE.

Sd/-  
A.M. SHAFFIQUE,  
JUDGE.