

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 13135 of 2014 (N)

PETITIONER:

GEORGE THOMAS, AGED 45 YEARS,
S/O.THOMAS, VALAYATH, MANIMALA P.O.
KOTTAYAM DISTRICT.

BY ADV. SRI.K.R.SUNIL

RESPONDENT:

1. THE SECRETARY, MANIMALA GRAMA PANCHAYATH,
MANIMALA P.O.
KOTTAYAM DISTRICT.

ADDL. R2 IMPEADED:

2. THE TREASURY OFFICER,
DISTRICT TREASURY OFFICE
KOTTAYAM DISTRICT - 686 001.

(ADDL.R2 IMPEADED AS PER ORDER DATED 08.08.2014
IN I.A. 10727/2014.)

R1 BY ADV. SRI.SHAJI THOMAS
R1 BY ADV. SRI.N.NAGARESH
R1 BY ADV. SRI.BINU PAUL
R1 BY ADV. SRI.T.V.VINU
R2 BY ADV. GOVERNMENT PLEADER
R BY SMT. SANJEETHA K.A., GOVERNMENT PLEADER (BY ORDER)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE NOTICE DATED 14/5/2014
ISSUED BY THE RESPONDENT.
- EXT.P2 : . TRUE COPY OF THE REQUEST DATED 18/3/2014
SUBMITTED BY THE PETITIONER.
- EXT.P3 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE
COURT IN WPC NO.9223/2011.

RESPONDENTS' EXHIBITS:

- EXT.R1(a) : TRUE COPY OF THE LETTER NO.A4/3095/2012 DATED
05.04.2013 ISSUED BY THE DISTRICT TREASURY OFFICER,
KOTTAYAM.
- EXT.R1(b) : TRUE COPY OF THE RESOLUTION NO.V DATED 16.07.2013
OF THE MANIMALA GRAMA PANCHAYATH.
- EXT.R1(c) : TRUE COPY OF THE RESOLUTION NO.III DATED 30.12.2013
OF THE COMMITTEE OF MANIMALA GRAMA PANCHAYATH.
- EXT.R1(d) : TRUE COPY OF THE NOTICE NO.A2/31/2014 DATED
01.01.2014 ISSUED BY THE RESPONDENT.
- EXT.R1(e) : TRUE COPY OF THE LETTER NO.A2-1181/14 DATED
17.06.2014 ISSUED BY THE RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 13135 of 2014 (N)

Dated this the 27th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the respondent Grama Panchayath and the learned Government Pleader, apart from perusing the record.

2. Briefly stated, the petitioner, a tenant since 2005 of room No. 9 of the shopping complex owned by the respondent Grama Panchayath, has an apprehension that without either renewing the lease or putting up the shop for public auction, the Grama Panchayath has been making hectic efforts to induct some third parties as tenants after evicting the petitioner, without taking recourse to due process. With the said apprehension, the petitioner has filed the present writ petition.

3. The respondent Grama Panchayath has filed its counter affidavit. In tune with the averments made therein, the learned counsel for the Grama Panchayath has submitted

that the Grama Panchayath does not have any intention to let out the property to any third party in violation of the provisions of Kerala Panchayath Raj (Acquisition and Disposal of Property) Rule, 2005. He has further submitted that in the light of dearth in accommodation, the Government of Kerala has proposed to establish a Sub-Treasury within the Grama Panchayath and that, after consultation, it has been decided by the Grama Panchayath that room No.9, which is presently in occupation of the petitioner, after the expiry of the lease period, be given to the Government of Kerala for the purpose of establishing the Sub-Treasury.

4. The learned counsel for the petitioner, to his credit, has fairly submitted that in such an event as has been proposed by the Grama Panchayath, the petitioner cannot have any grievance. At any rate, the learned counsel for the petitioner has submitted that if the Grama Panchayath is not letting out the property to any Governmental agency, it ought to take steps either to renew the petitioner's lease or to put up the property in

public auction.

Based on the submission made by the learned counsel for the Grama Panchayath, this Court disposes of the writ petition with a direction to the respondent Grama Panchayath that if the property is not let out to the State of Kerala, as has been averred in the counter affidavit, it shall be taking all necessary steps concerning the shop room in question strictly in accordance with law.

sd/- DAMA SESHADRI NAIDU, JUDGE.

