

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 28037 of 2015 (D)

PETITIONER:

**BASHEER K.K., S/O. KHALID,
KORATH HOUSE, KULAPARAMBIL,
SOUTH ARYAD, AVALUKUNNU P.O.,
ALAPPUZHA DISTRICT, PIN-688 006.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

RESPONDENT(S):

- 1. THE ACCOMMODATION CONTROLLER &
TAHASILDAR AMBALAPUZHA, TALUK OFFICE,
AMBALAPUZHA, OPP. DISTRICT COURT COMPLEX,
ALAPPUZHA-688 013.**
- 2. THE VILLAGE OFFICER,
ARYAD SOUTH VILLAGE, THATHAMPILLY P.O.,
ALAPPUZHA-688 013.**
- 3. SIDHIQUE, S/O. NOORUDHEEN, KERALA NIVAS,
CIVIL STATION WARD, ALAPPUZHA.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.MANOJ M.KUNJACHAN
R3 BY ADVS. SRI.P.U.SHAILAJAN
SMT.D.N.NISHANI
SRI.GANESH.P**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 28037 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1 : TRUE COPY OF THE NOTICE DTD.2.5.2015 OF THE 1ST RESPONDENT.

**P2 : TRUE COPY OF THE ORDER NO.K2-4258/15 DTD.30.7.2015 OF THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 28037 of 2015

Dated this the 16th October, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by Exhibit P2 order passed by the Accommodation Controller. By Exhibit P2 order, the petitioner has been ordered to vacate the building referred to therein within 45 days, after removing the petitioner's goods. The petitioner challenges Exhibit P2 order alleging that the Accommodation Controller has no authority under law to order such eviction.

2. Heard learned counsel for the petitioner, third respondent and also the learned Government Pleader.

3. The Kerala Buildings (Lease and Rent Control) Act, 1965 enumerates grounds for eviction. If the landlord wants eviction of the tenant, he has to approach the Rent Control Court. The power of the Accommodation Controller is very limited to the extent for interfering with when the amenities are cut off.

This Court is of the view that the Accommodation Controller has no jurisdiction to pass Exhibit P2 order. Accordingly, Exhibit P2 order is set aside.

The Writ Petition is allowed.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs17/10/15