

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

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

WP(C).No. 33599 of 2014 (Y)

PETITIONER:

A.BADHARUDEEN
ADDITIONAL DISTRICT JUDGE-II,
THIRUVANANTHAPURAM.

BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR AND CONVENER,
DISTRICT RENT COMMITTEE
THIRUVANANTHAPURAM - 695 001.
2. THE ADDITIONAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
3. STATE OF KERALA,
REPRESENTED BY ADDITIONAL SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33599 of 2014 (Y)

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1: COPY OF THE LETTER DATED 3.5.2014 ISSUED ON BEHALF OF THE LAND LADY TO THE PETITIONER.
- EXHIBIT P2: COPY OF GO(RT) NO.1529/2013/HOME DATED 6.6.2013.
- EXHIBIT P3: COPY OF THE GO(RT)NO.2008/2013/HOME DATED 18.7.2013.
- EXHIBIT P4: COPY OF DATED GO (RT)NO.292/2014/HOME 24.1.2014.
- EXHIBIT P5: COPY OF NON-AVAILABILITY CERTIFICATE NO.19/EE/2014-15 DATED 6.8.2014 ISSUED BY THE EXECUTIVE ENGINEER, PWD, THIRUVANANTHAPURAM.
- EXHIBIT P6: COPY OF THE LETTER NO.D2-4404/2014 DATED 8.10.2014 ALONG WITH REVISED RENT REASONABILITY CERTIFICATE DATED 8.10.2014 ISSUED BY THE EXECUTIVE ENGINEER PWD ADDRESSED TO THE 1ST RESPONDENT.
- EXHIBIT P7: COPY OF LETTER NO.A15-41835/2014 DATED 20.11.2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER ALONG WITH A COPY OF HIS D.O. LETTER NO.A15-41835/2014 DATED 20.11.2014 TO THE 2ND RESPONDENT.
- EXHIBIT P8: COPY OF THE REMINDER DATED 2.12.2014 VIDE NO.D III/2014 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P9: COPY OF THE RENT RECEIPTS DATED 13.10.2014, 3.11.2014 AND 3.12.2014 IN RESPECT OF THE BUILDING OCCUPIED BY THE PETITIONER.
- EXHIBIT P10: COPY OF GO (MS) NO.237/2014/HOME DATED 24.11.2014.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A.TO JUDGE

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SHAJI P. CHALY, J.

W.P.(C).No. 33599 of 2014

Dated this the 7th day of October, 2015

JUDGMENT

This writ petition is filed seeking the following reliefs:

1. Declare that action of the respondents in denying sanction and disbursement of the rent towards residential accommodation of the petitioner as per Ext.P1 is illegal, unconstitutional and against the directions of the Supreme Court of India in All India Judge's Association cases;
2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to give sanction for fixation of rent of the residential accommodation of the petitioner as per Ext.P1 in the light of Exts.P2 to P7 and disburse the amount due with interest forthwith;
3. Direct the respondents to consider Ext.P8 and take immediate steps for sanction and disbursement of the rent with interest in respect of the residential accommodation of the petitioner in terms of Ext.P1 as recommended in Ext.P5 to P7 forthwith.

2. This court on 06.01.2015, passed an order directing the respondents to pay rent arrears in respect of the residential building of the petitioner, who is the Additional District Judge - Thiruvananthapuram, for the period from May, 2014 in terms of Ext.P1 within a period of one month.

3. Today, when the writ petition is taken up for hearing, learned counsel for petitioner has produced a Government Order dated 31.01.2015 bearing No. G.O.(Rt.) No.260/15/Home by which the Government has complied with the interim order passed by this Court on 06.01.2015. Apart from the same, the sanction is accorded for the fixation of rent of the building No.TC No.25/2923(2), Dharmadesom Road, Vanchiyoore, Thiruvananthapuram occupied by the petitioner as his official residence at Rs.20,000/-(Rupees twenty thousand only) with effect from 21.05.2014, subject to the condition specified in the Government Orders recited thereof.

4. Therefore, learned counsel for the petitioner states that the reliefs sought for in the writ petition is already granted by the Government as per the Government Order

referred supra. Recording the said Government Order, and in view of the submissions made by the learned counsel for the petitioner as well as the Government Pleader, this writ petition is disposed of by recording that the relief sought for in the writ petition granted by the Government, as per the Government Order referred above.

This writ petition is closed accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

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