

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 35018 of 2015 (B)

PETITIONER(S):

**MALABAR REGIONAL CO OPERATIVE MILK PRODUCERS'
UNION LIMITED,
REPRESENTED BY ITS SENIOR MANAGER,
PERINGOLAM (P.O.), KUNNAMANGALAM,
KOZHIKODE - 673 571.**

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S):

**LIFE INSURANCE CORPORATION OF INDIA, REPRESENTED BY ITS
SENIOR DIVISIONAL MANAGER, DIVISIONAL OFFICE,
JEEVAN PRAKASH, P.B.NO.177, KOZHIKODE - 673 001.**

BY ADV. SRI.S.EASWARAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35018 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF LETTER DTD 19/9/2012 SENT BY THE RESPONDENT TO THE PETITIONER

P2:-TRUE COPY OF THE LEASE DEED DTD 27/10/2012 EXECUTED BY THE RESPONDENT IN FAVOUR OF THE PETITIONER

P3:-TRUE COPY OF THE ELECTRICITY BILL RECEIPT ISSUED TO THE PETITIONER DTD 11.12.2012

P4:-TRUE COPY OF THE ELECTRICITY BILL RECEIPT ISSUED TO THE PETITIONER DTD 16/10/2015

P5:-TRUE COPY OF THE RENT RECEIPT DTD 15/11/2012 ISSUED BY THE RESPONDENT TO THE PETITIONER

P6:-TRUE COPY OF THE RENT RECEIPT DTD 10/9/2015 ISSUED BY THE RESPONDENT TO THE PETITIONER

P7:-TRUE COPY OF THE ANNEXURE TO EXT P2 LEASE DEED 6/12/2013

P8:-TRUE COPY OF THE LETTER DTD 20/10/2015 SENT BY RESPONDENT TO THE PETITIONER

P9:-TRUE COPY OF THE LETTER DTD 26/10/2015 SENT BY THE PETITIONER TO THE RESPONDENT

P10:-TRUE COPY OF THE LETTER DTD 29/10/2015 SENT BY RESPONDENT TO THE PETITIONER

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35018 of 2015

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Dated this the 17th day of December, 2015

J U D G M E N T

The petitioner approached this Court alleging that he is a tenant under the respondent and their occupation have to be protected in terms of Kerala Buildings (Lease and Rent Control) Act, 1965 and the petitioner shall not be evicted without issuing notice under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

2. With regard to the first prayer the petitioner is tenant under the Kerala Buildings (Lease and Rent Control) Act, this is essentially a question of status of the civil right of the party, therefore this cannot be determined invoking public remedy under Article 226 of the Constitution of India. That question is left open.

3. With regard to the 2nd prayer, this Court is of the view that certainly if the 2nd respondent is proposing to evict the petitioner that shall be done only after issuing notice under the

Public Premises (Eviction of Unauthorized Occupants) Act and without complying the proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, the petitioner shall not be evicted.

The writ petition is disposed of, as above.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE