

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 35517 of 2014 (L)

PETITIONER :

**SHIBU MON.R, AGED 41 YEARS,
S/O.RAVEENDRAN, SUDARSANAM, NORTH ARYAD,
KOMALAPURAM VILLAGE, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.C.M.NAZAR
SRI.MANSOOR.B.H.
SRI.SUMODU P.N.**

RESPONDENT(S):

- 1. DISTRICT CHIEF OF POLICE,
ALAPPUZHA. PIN- 688 001.**
- 2. STATION HOUSE OFFICER,
MANNANCHERY POLICE STATION,
ALAPPUZHA DISTRICT, PIN- 688 001.**
- 3. K.ANTONY, S/O.KOSHY,
KILLOOR HOUSE, PERUMPADATHU,
PALLURUTHY, ERNAKULAM DISTRICT. 682 002.**

R1 & R2 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 35517 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE RENT AGREEMENT DATED EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.**
- P2- A TRUE COPY OF THE DOCUMENT DATED 6.4.2014 EXECUTED BY THE 3RD RESPONDENT.**
- P3- A TRUE COPY OF THE INFORMATION RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE SECOND RESPONDENT UNDER RTI ACT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.
=====

W.P.(C). No. 35517 of 2014
=====

Dated this the 7th day of January, 2015

JUDGMENT

Petitioner, who is the owner of the room which was let out to the 3rd respondent, is before this Court stating that the key of the room now in the custody of the police who had locked out the room, is not being returned to the petitioner.

2. The sequence of events narrated in the writ petition shows that the room belonging to the petitioner was let out to the 3rd respondent in the year 2012 by way of Ext.P1 rent agreement. The 3rd respondent was running a Kuri in the name and style as Mullackal Chits (P) Ltd in the said room. Since the business was collapsed, the room was subsequently surrendered by the 3rd respondent to the petitioner vide Ext.P2 dated 06.04.2014. In the meanwhile, the police had registered some cases against the 3rd respondent, based on the

complaints received from different corners with reference to embezzlement of money belonging to the depositors/members of 'Kuri'. It was in the said circumstance, that an inspection was conducted by the police in the room and subsequently the same was locked out. Despite the many a demand made by the petitioner, the key is not returned and hence, the writ petition.

3. The learned Government Pleader appearing for the respondents 1 and 2 submits that the version of the petitioner is not at all correct and that the police does not hold the key of the room belonging to the petitioner. It is however conceded that the petitioner is not involved in connection with the Crimes bearing No.876/2013 and 592/2014 of Mannancherry police station, as referred to by the petitioner himself in Ext.P2. It is also stated that the police is no longer interested with regard to the custody of the room or the rights and liberties of the petitioner to pursue his activities in the said room being

W.P.(C).No. 35517 of 2014

the owner of the room. In the above circumstances, the petitioner is set at liberty to open the room by appropriate means and to enjoy the same in accordance with law.

The writ petition is disposed of accordingly.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

das