IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP (RC) NO. 92 OF 2025

AGAINST THE ORDER DATED 10.01.2025 IN RCP NO.101 OF 2022 OF THE RENT CONTROL COURT, KOZHIKODE-I

PETITIONER/RESPONDENT:

C.K. HABEEB RAHMAN
AGED 48 YEARS
S/O AHAMAD KUTTY, 13/183A,
PALATH BUILDING, KAMMATH LANE,
NAGARAM AMSOM DESOM,
KOZHIKODE, PIN - 673001

BY ADVS.
P.JERIL BABU
SRINATH GIRISH

RESPONDENTS/PETITIONERS:

1 **C. VASU**
AGED 71 YEARS
S/O THAMUTTY, CHIRAKKAL HOUSE,
THRIKKALAM AMSOM DESOM,
PANTHARANGADI, MALAPPURAM, PIN - 676306

2 **GOPIKA RADHAKRISHNAN**
AGED 44 YEARS
D/O RADHAKRISHNAN,
REPRESENTED B Y POA HOLDER C. VASU,
AGED 71 YEARS, S/O THAMUTTY,
THRIKKALAM AMSOM DESOM, PANTHARANGADI,
MALAPPURAM, PIN - 676306

3 PRATHEESH
AGED 41 YEARS
S/O RADHAKRISHNAN,
REPRESENTED BY P/A HOLDER C. VASU,
AGED 71 YEARS, S/O THAMUTTY,
THRIKKALAM AMSOM DESOM,
PANTHARANGADI, MALAPPURAM, PIN - 676306

4 RADHIKA SREEJITH
AGED 47 YEARS
D/O RADHAKRISHNANAN,
REPRESENTED BY P/A HOLDER C. VASU,
AGED 71 YEARS, S/O THAMUTTY,
THRIKKALAM AMSOM DESOM,
PANTHARANGADI, MALAPPURAM, PIN - 676306

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.MUHAMED MUSTAQUE & P.KRISHNA KUMAR, JJ

OP(RC)No.92 of 2025

Dated this the 10th day of April, 2025

JUDGMENT

A.Muhamed Mustaque.J

The petitioner is a tenant facing an eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as 'the Act'). The landlord proposes to reconstruct the building and occupy it for starting a business. According to the petitioner, the proposed plinth area cannot be accommodated after demolishing the existing structure, and therefore, the commission report should be remitted back. The petitioner has raised several other grounds for seeking remission of the commission report, which we do not propose to advert to at this stage. This Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India at this juncture. If the petitioner is ultimately aggrieved by the outcome of the rent control proceedings, he is at liberty to raise these objections also before appropriate court while challenging the ultimate outcome.

With the liberty as above, the original petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

P.KRISHNA KUMAR, JUDGE

dlk/10.4.

APPENDIX OF OP (RC) 92/2025

PETITIONER'S EXHIBITS

EXHIBIT P1	**A TRUE COPY OF THE R.C.P. NO. 101/2022 BEFORE THE RENT CONTROL COURT (PRINCIPAL MUNSIFF COURT I), KOZHIKODE, DATED, 15-10-2022.**
EXHIBIT P2	**A TRUE COPY OF THE COUNTER IN R.C.P. 101/2022 DATED 17-02-2023**
EXHIBIT P3	**A TRUE COPY OF THE WORK MEMO GIVEN BY THE PETITIONER TO THE ADVOCATE COMMISSIONER. DATED 13-08-2024.**
EXHIBIT P4	**A TRUE COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER DATED 10-09-2024**
EXHIBIT P5	**A CERTIFIED COPY OF THE AFFIDAVIT AND PETITION IN I.A. 5/2024 IN R.C.P. 87/2022 DATED 19-12-2024**
EXHIBIT P6	**A CERTIFIED COPY OF THE ORDER IN I.A.NO. 5/2025 IN R.C.P. 87/2022 DATED 10-01-2025, BEFORE THE RENT CONTROLLER COURT (PRINCIPAL MUNSIFF –I, KOZHIKODE)**
EXHIBIT P7	**A TRUE COPY OF THE DEPOSITION OF PW1 IN RCP'S. 87,92,93,94,101,104,106,108 OF 2022 DATED 05-03-2025 BEFORE THE RENT CONTROLLER COURT (PRINCIPAL MUNSIFF –I, KOZHIKODE)**