

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN  
&  
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WA.No. 546 of 2015 () IN WP(C).4748/2015  
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AGAINST THE ORDER IN WP(C) 4748/2015 of HIGH COURT OF KERALA  
DATED 24-02-2015

APPELLANTS/PETITIONERS:  
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1. CABLE T.V. OPERATORS ASSOCIATION,  
REG.NO.W 299/02  
REPRESENTED BY THE SECRETARY K.V. RAJAN  
PANAMPILLY NAGAR, ERNAKULAM.
2. RAJENESH .P.S,  
S/O.P.G.SUNANDHAN, H.NO.9/848A, ANJANAM  
PANDIKUDY, KOCHI-682002.
3. K.R.RAJEEV,  
S/O.K.G.RAVINDRAN, H.NO.19/376, KILIKKODAYIL HOUSE  
P.D.ROAD, PALLURUTHY, KOCHI-682006.
4. SURESH KUMAR.P.P,  
S/O.P.S.PARAMESWARAN, PALLIPRAYIL HOUSE  
P.O.MADATHUMPADY, THRISSUR-680733.
5. PANTONY,  
S/O.C.D.LONAPPAN, PANJIKKARAN HOUSE, P.O.MADATHUMPADY  
THRISSUR-680733.
6. VIJAYAKUMAR.B,  
S/O.BALAKRISHNAN NAIR, KRISHNALAYAM, THENGAMAM.P.O  
PATHANAMTHITTA-690522.
7. BAIJU.C.A,  
S/O.ANTONY.C.V, CHIRIYANKANDATH HOUSE, MULLASSERY  
THRISSUR-680509.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS/RESPONDENTS:  
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1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT  
POWER DEPARTMENT, SECRETARIAT  
THIRUVANANTHAPURAM-695001.

2. KERALA STATE ELECTRICITY BOARD LTD,  
REPRESENTED BY THE SECRETARY(ADMINISTRATION)  
KERALA STATE ELECTRICITY BOARD LTD, VAIDYUTHI BHAVAN  
THIRUVANANTHAPURAM-695001.
3. CHIEF ENGINEER(DISTRIBUTION),  
KERALA STATE ELECTRICITY BOARD LTD, VAIDYUTHI BHAVAN  
THIRUVANANTHAPURAM-695001.
4. M/S.RELIANCE JIO INFOCOMM LTD,  
REPRESENTED BY THE MANAGING DIRECTOR/AUTHORISED OFFICER  
RELIANCE INDUSTRIES LTD, MARKET CHAMBERS IV  
NARIMAN POINT, MUMBAI-400021, INDIA.
5. BHARAT SANCHAR NIGAM LTD,  
REPRESENTED BY THE CHIEF GENERAL MANAGER, TELECOM  
BHARAT SANCHAR NIGAM LIMITED, KERALA TELECOM CIRCLE  
PMG JUNCTION, KERALA CIRCLE  
THIRUVANANTHAPURAM-695033.

R1 BY GOVERNMENT PLEADER SRI DHANESH MATHEW MANJOORAN  
R2 & R3 BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD  
R4 BY SR.ADV.SRI NAGESWARA RAO  
R4 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR  
R4 BY ADV. SRI.P.GOPINATH  
R4 BY ADV. SRI.P.BENNY THOMAS  
R4 BY ADV. SRI.K.JOHN MATHAI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 26-03-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.**

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**W.A.No.546 OF 2015**  
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**DATED THIS THE 26<sup>th</sup> DAY OF MARCH, 2015**

**JUDGMENT**

**P.N.RAVINDRAN, J.**

The appellants are the petitioners in W.P.(C)No.4748 of 2015 and the respondents are the respondents therein. In the writ petition, the appellants challenge Ext.P7 Government order dated 30.1.2015, whereby the State Government permitted the Kerala State Electricity Board Limited to accord permission to the fourth respondent to draw Aerial Optical Fibre Cables through the distribution poles of the Kerala State Electricity Board Limited for the purpose of providing 4G services by collecting rent at the rate to be decided through negotiation for a maximum period of five years as a temporary measure on a non-exclusive basis and subject to the further condition that the period shall not be extended under any circumstance. In the writ petition, the appellants had prayed for an interim order staying further proceedings and action pursuant to Ext.P7 Government order. The learned Single Judge, who admitted the writ petition granted an ex parte interim order on 16.2.2015, for one week. The said interim order was later extended on 20.2.2015 till 24.2.2015, when, after considering the rival

contentions, the learned single Judge vacated the interim orders earlier passed and directed the writ petition to be posted along with connected cases. The writ petitioners have aggrieved thereby filed this writ appeal.

2. When this appeal came up for hearing today, after arguments were heard at length, Sri Kaleeswaram Raj, learned counsel appearing for the appellants submitted that having regard to the nature of the dispute and the grounds raised, it is desirable that the writ petition itself is finally heard so as to avoid delay and consequential loss to the parties. The learned counsel submitted that, in such circumstances, without pronouncing on the merits of the rival contentions, the writ appeal may be disposed of with a direction to the Registry to post the writ petition before the learned single Judge, so that the appellants can seek an early hearing and disposal of the writ petition, before the learned single Judge. Learned counsel appearing for the respondents did not oppose the said submission. Such being the situation, it is not necessary for us to go into the merits of the rival contentions. We accordingly dispose of the writ appeal, with a direction to the Registry to post W.P.(C)No.4748 of 2015 along with W.P.(C)No.1970 of 2015 and connected cases before the learned single Judge as per roster, in the petitions list on 06.04.2015. It will

be open to the parties to move the learned single Judge for expeditious hearing and disposal of the writ petition.

Sd/-  
**P.N.RAVINDRAN,**  
**JUDGE**

Sd/-  
**ANIL K.NARENDRA,**  
**JUDGE**

dsn