

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 679 of 2015 (H)

PETITIONER:

A.P.VELAYUDHAN NAIR, AGED 54 YEARS,
S/O.VELU NAIR, AYYAPATH HOUSE,
PERINGANDUR.P.O., THRISSUR-680 581.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR-680 001.
2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, WADAKKANCHERY,
THRISSUR DISTRICT-680 582.
3. TAIJU, S/O.JOSE, MANALIPARAMBIL HOUSE,
PERINGANDUR P.O., THRISSUR-680 581.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25-02-2015,
ALONG WITH WPC. 509/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF TAX RECEIPT DATED 5/11/2014
- EXHIBIT P2 : COPY OF POSSESSION CERTIFICATE DATED 19/11/2014.
- EXHIBIT P3 : COPY OF SKETCH SHOWING THE ROAD AND PROPERTY OF THE PETITIONER.
- EXHIBIT P4 : COPY OF REPRESENTATION DATED 20/10/2014 MADE BEFORE THE 2ND RESPONDENT
- EXHIBIT P5 : COPY OF NOTICE DATED 19/11/2014.
- EXHIBIT P6 : COPY OF ORDER NO.C4-79568/2014/KDIS DATED 29/12/2014 OF 1ST RESPONDENT.
- EXHIBIT P7 : COPY OF ORDER NO.C4/SR/ET/64/2014 KDIS DATED 29/12/2014 OF 1ST RESPONDENT.
- EXHIBIT P8 : COPY OF JUDGMENT OF THIS HON'BLE COURT DATED 8/8/2008 IN WPC NO.17196/2008.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NOs. 679 & 509 OF 2015

Dated this the 25th day of February, 2015

JUDGMENT

Orders according permission to shift the electricity supply line are impugned in WP(C) No. 679/2015. WP(C) No. 509/2015 has been filed seeking to implement the aforesaid orders passed by the Additional District Magistrate. The Kerala State Electricity Board has filed a statement producing along with two sketches in WP(C) No. 509/2015.

2. It is true that the route shown in sketch 1 has been approved by the Additional District Magistrate. But the Kerala State Electricity Board points out that mediation talks were held under the auspices of the Panchayat President. It is stated that the route shown in sketch 2 has been approved by all the parties. This however is emphatically denied by the petitioner in WP(C) No. 509/2015.

2. I do feel that the route suggested in sketch 2 should be considered by the Additional District Magistrate. The Additional District Magistrate had no opportunity to consider the

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same as it was not placed before him. The petitioner in WP(C) No. 679/2015 as well as the Electricity Board contend that the route shown in sketch 2 is more feasible causing least inconvenience.

3. I therefore set aside the orders of the Sub Divisional Magistrate (marked as Exts.P6 and P7 in WP(C) No. 679/2015). The Additional District Magistrate is directed to consider the routes suggested in sketch 1 as well as sketch 2. The needful shall be done with notice to the parties within a period of one month.

4. It is clarified that whomsoever wants shifting of the electricity line should remit the labour charges required for the same. This is discernible from clause 95(4)(c) of the Kerala Electricity Supply Code, 2014. The labour charges shall be assessed and realised from the person who seeks shifting of the electricity supply lines.

The Writ Petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

ncd