

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 1138 of 2015 (N)

PETITIONER:

**NARAYANAN, AGED 50 YEARS
S/O.VARADARAJAN, DARSHANA HOUSE, PEROOR ROAD
ETTUMANOOR P.O., ETTUMANOOR VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

- 1. THE ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SECTION, KERALA STATE ELECTRICITYBOARD
KOTTAYAM DISTRICT - 686 631.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM
DISTRICT - 686 631.**
- 3. PRAMEELA GEORGE, AGED 45 YEARS
W/O.GEORGE, ERALIYIL MANNOOKKADATHIL HOUSE
COLLECTORATE P.O., KOTTAYAM DISTRICT - 686 631.**
- 4. BIJUMON K.C., AGED ABOUT 45 YEARS
S/O.CHANDRAN, KANNANKARAYIL, AARPOOKARA
KOTTAYAM DISTRICT - 686 631.**
- 5. THE KERALA STATE ELECTRICITY BOARD, KOTTAYAM
DISTRICT - 686 631 REPRESENTED BY ITS ASSISTANT EXECUTIVE
ENGINEER
ELECTRICAL SECTION, KOTTAYAM.**

**R1 & R5 BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
R2 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R3 BY ADVS. SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 1138 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE PROCEEDINGS OF THE SECOND RESPONDENT DATED 13.7.2010**
- EXT.P-2: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE FIRST RESPONDENT BEFORE THE SECOND RESPONDENT DATED 28.9.2013 ALONG WITH THE SITE PLAN.**
- EXT.P-3: TRUE COPY OF THE OBJECTION DATED 23.10.2013 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT**
- EXT.P-4: TRUE COPY OF THE OBJECTION DATED 12.3.2014 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT**
- EXT.P-5: TRUE COPY OF THE ORDER DATED 7.1.2015 PASSED BY THE SECOND RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

- EXT.R3(a): TRUE COPY OF THE COMMON JUDGMENT IN W.P.(C). NO. 18826, 24496 AND 25745 OF 2010 DATED 08.12.2010**
- EXT.R3(b): TRUE COPY OF THE REPORT AND SKETCH PREPARED BY THE VILLAGE OFFICER AS DIRECTED BY THE REVENUE DIVISIONAL OFFICER**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 1138 OF 2015

Dated this the 19th day of January, 2015

JUDGMENT

Ext. P5 order passed in terms of Section 16 of the Indian Telegraph Act is impugned. Ext. P5 order is certainly not in tune with the route suggested by the Kerala State Electricity Board. The route suggested by the Kerala State Electricity Board is agreeable to the third respondent. The fourth respondent though served by Special Messenger has not chosen to oppose the prayer in the writ petition.

2. All the parties agree that the domestic supply line can be drawn along the side of the pathway as shown in Ext. P2 plan. The necessary posts shall be erected for this purpose to draw the electricity supply line along the side of the pathway. The electricity supply line shall not be drawn inside the property of the petitioner as ordered by the second respondent in Ext. P5 order.

Ext. P5 order is modified accordingly. The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS