

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2250 of 2015 (E)

PETITIONERS:

1. JAMES AMBROSE, AGED 40 YEARS,
S/O.AMBROSE, CHERIYAVEEDU,
MELADUKKAM, ANANDASHRAMAM P.O.,
KASARAGOD DISTRICT.
2. VINU M.A., AGED 42 YEARS, S/O.ALBERT,
MELADUKKAM, P.O.BALLA,
ANANDASHARAMAM VIA,
KASARAGOD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
KASARAGOD, VIDYANAGAR, PIN-671123.
2. THE ADDITIONAL DISTRICT MAGISTRATE &
DEPUTY COLLECTOR, CIVIL STATION,
VIDAYANAGAR, KASARAGOD-671123.
3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB, MAVUNGAL
HOSDURG TALUK, KASARAGOD, PIN-671121.
4. C.I.OF POLICE, HOSDURG,
P.O.KANHANGAD, PIN-671315.
5. SUBASH, AGE NOT KNOWN, PARTNER,
DHANALAKSHMI TEXTILES, RESIDING
NEAR CHRIST SCHOOL, MELADUKKAM,
P.O.BALLA, KASARAGOD DISTRICT-671123.
6. SEETHARAMAN, AGE NOT KNOWN,
ASST.ENGINEER, KSEB, KANHANGAD,
RESIDING NEAR CHRIST SCHOOL,
MELADUKKAM, P.O.BALLA,
KASARAGOD DISTRICT-671123.

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7. MATHEW K.L., AGED 40 YEARS,
S/O.K.LUKOSE, MELADUKKAM, BALLA P.O.
HOSDURG TALUK, KASARAGOD DISTRICT-671123.

R3 & 6 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE EYE SKETCH OF THE LOCALITY.
- EXT.P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY ONE OF THE
PROPERTY OWNERS VIZ.,FRANCIS FOR RECEIPT OF
COMPENSATION AMOUNT DT.26-5-1976.
- EXT.P3 : TRUE COPY OF THE ORDER OF R2 DT.5-3-2012
- EXT.P4 : TRUE COPY OF THE MASS PETITION BEFORE R1 DT.28-11-2011.
- EXT.P5 : TRUE COPY OF THE JUDGMENT IN WPC 33392/14 DT.12-1-15.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 30th day of January, 2015

JUDGMENT

There already exists a low tension line along the route proposed by the Kerala State Electricity Board. The present endeavour is to draw a 11 KV electricity line along the same route replacing the existing posts with taller posts. A query was put to the Kerala State Electricity Board as to why the electricity line is being drawn in a zig zag manner along the road even. My attention was then drawn to paragraph 6 of the counter affidavit to the effect that it is so done in order to minimise tree cutting and to maintain safe clearance as per standard.

2. All the relevant inputs have been considered by the Additional District Magistrate while granting permission by Ext.P3 order in terms of Section 16 of the Indian Telegraph Act. Ext.P3 order was passed as early as on 05.03.2012 followed by Ext.P5 judgment in WP(C) No. 33392/2014 directing enforcement of the same. The technical feasibility as well as the expenditure to be incurred for drawing the electricity lines along

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the various routes have been taken into consideration in the instant case.

3. It shall however be ensured that stay wire in the private property shall be avoided as far as possible while drawing the line. No case has been made out to interfere with Ext.P3 order at this distance of time.

The Writ Petition is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd