

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

OP.No. 23497 of 2002 (V)

PETITIONER(S):

**SYED MOHAMMED, FOUZIYA MANZIL,
VALANJAVAZHY, ALAPPUZHA.**

**BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.P.SWATHIKUMAR**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDHYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD
ELECTRICAL MAJOR SECTION, AMBALAPPUZHA.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD
ELECTRICAL MAJOR SECTION, PUNNAPRA.**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

O.P.No. 23497/2002

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. COPY OF THE NOTICE DTD.20.7.2002 BY R2 TO THE PETITIONER.
- P2. COPY OF THE NOTICE DTD.20.5.2002 ISSUED BY R3 TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL.

sdk+

///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

=====

O.P.No. 23497 of 2002

=====

Dated this the 27th day of March, 2015

J U D G M E N T

The prayers in the Original Petition are as follows:

- “(i) issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to Exts.P1 and P2 and quash the same;
- (ii) issue a writ of mandamus or any other appropriate writ, order or direction restraining the respondents from implementing Exts.P1 and P2 and also from cutting electrical energy to the petitioner's factories, Raj Ice at Valanjavazhi and Popular Ice at Punnapra for non-payment of the amount shown in Exts.P1 and P2;
- (iii) issue such other appropriate writs, orders or direction as deem fit;
and
- (iv) award the petitioner his costs.”

2. The prayer in C.M.P.No.40097/2002 filed in this O.P. is as follows:

“..... to stay the demand made as per Exts.P1 and P2 from the petitioner pending disposal of the Original Petition.”

3. This Court as per the order dated 14.8.2002 on C.M.P.No. 40097/2002 filed in the above O.P. had directed that the Standing Counsel for the Kerala State Electricity Board will take notice of the respondents and there will be an interim stay against

the recovery of the amount due under Exts.P1 & P2 on the petitioner depositing twenty five percent of the amount demanded within one month.

4. Though the Original Petition has been filed as early as on 14.8.2002, both parties are not able to place any materials as regards the present position in the case. The respondent Electricity Board has also not filed any counter affidavit or pleadings in this case. As the matter has been pending for more than fourteen-and-a-half long years, this Court is of the considered opinion that this matter need not be kept pending. Accordingly, it is ordered that if the writ petitioner has any subsisting grievance in the matter, he is at liberty to file appropriate representations before the competent authority among the respondents and if such representation/representations are filed, the same shall be duly adverted to and a decision shall be taken within period of two months from the date of receipt of such representation/representations. In case such representation is filed within a period of one month from today along with a certified copy of this judgment before the respondent authority concerned, then the further coercive steps, if any, may be kept in abeyance until the disposal of such representation.

Opportunity of personal hearing may also be afforded to the petitioner by the respondent authority concerned, if he so chooses.

With these observations and directions, the Original Petition stands finally disposed of.

sdk+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

=====

O.P.No. 23497 of 2002-V

=====

J U D G M E N T

27th March, 2015